

NOT VOTING—31.

Bate,	George,	Martin,	Roach,
Brice,	Gordon,	Mills,	Sherman,
Camden,	Gray,	Mitchell, Oregon	Stewart,
Carey,	Hill,	Mitchell, Wis.	Vest,
Cullom,	Hoar,	Morrill,	Washburn,
Davis,	Irby,	Perkins,	Wilson,
Dixon,	Jones, Nev.	Pettigrew,	Wolcott.
Dolph,	McPherson,	Pugh,	

So the amendment was laid on the table.

Mr. ALDRICH. Mr. President—

Mr. JONES of Arkansas. Will the Senator from Rhode Island allow the Senate to act on the committee amendment?

Mr. ALDRICH. I am not going to offer an amendment. I desire to say a few words on the committee amendment. I shall occupy the attention of the Senate but a few moments.

I desire to say a few words on the ability of the producers of cotton ties in the United States to compete with the foreign producers. The Senator from Missouri made a rather remarkable statement in this connection.

He read a letter from A. R. Whitney & Co., in which they stated distinctly that the foreign producers were offering cotton ties in Galveston at a less price than they could sell them for. Still he says that the foreign price is 3 cents a pound, while the letter which he read stated that they were offering them in Galveston for less than 1½ cents a pound.

In further confirmation of the ability of the foreign competitor to drive the American producers out of the market if these articles are put on the free list, I read the following extract from the Pittsburgh Post-Dispatch, I think—it is from some Pittsburgh paper:

A. T. Horan, of Essen, Germany, connected with a large sheet-iron and cotton-tie manufactory there, is a guest at the St. James Hotel. He is in this country investigating the sheet-iron and cotton-tie industry with a view to gaining pointers for his own concern, and will visit the local mills. "We are expecting a boom in importations to the United States with the adoption of the Wilson bill," said Mr. Horan. "All German and English iron and steel manufacturers are making preparations for American trade. Our manufactory will probably be much enlarged, especially in the cotton-tie department."

There can be no question but what placing this article on the free list would have a disastrous effect upon the American production. I can not understand, as I have already said, why this cruel and unnecessary destruction should take place. I have been hoping all day that the Senator from Ohio [Mr. BRICE], who is now in his seat, and who as I understand occupies a position in relation to the pending bill very similar to that which Robert J. Walker had to the tariff act of 1846, would use his powerful influence to have a revenue duty put upon cotton ties, as cotton ties are very largely produced in the State of Ohio. I can not understand why iron ore should be favored with a revenue duty in a bill prepared by the Senator from Ohio, when cotton ties are left without any duty at all.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 23, 1894, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1894.

UNITED STATES ATTORNEY.

Albert W. Bradbury, of Maine, to be attorney of the United States for the district of Maine, vice Isaac W. Dyer, whose term will expire May 27, 1894.

COLLECTOR OF CUSTOMS.

A. McP. Hamby, jr., of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina, to succeed Richard O. Bush, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1894.

APPRAISER OF MERCHANDISE.

Lloyd Wilkinson, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

MARSHAL.

Joseph A. Israel, of Colorado, to be marshal of the United States for the district of Colorado.

POSTMASTERS.

Milo Lewis, to be postmaster at Greenville, in the county of Montcalm and State of Michigan.

Charles T. Fletcher, to be postmaster at Marshall, in the county of Calhoun and State of Michigan.

Byron Moore, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire.

Thomas Lerner, to be postmaster at St Albans, in the county of Franklin and State of Vermont.

George E. Meigs, to be postmaster at Guilford, in the county of New Haven and State of Connecticut.

Thacher B. Lucas, to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts.

Earl Bronson, to be postmaster at Spencer, in the county of Clay and State of Iowa.

Bradford B. Willcox, to be postmaster at Earlville, in the county of Madison and State of New York.

Patrick Guinan, to be postmaster at Lima, in the county of Livingston and State of New York.

George H. Perkins, to be postmaster at Rochester, in the county of Monroe and State of New York.

John J. Kennedy, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts.

James E. Kelly, to be postmaster at Ogdensburg, in the county of St. Lawrence and State of New York.

Melford G. Brown, to be postmaster at Canton, in the county of St. Lawrence and State of New York.

Edward M. Wall, to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts.

Frank T. Spinney, to be postmaster at Medford, in the county of Middlesex and State of Massachusetts.

Ira E. Blazer, to be postmaster at Montclair, in the county of Essex and State of New Jersey.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 22, 1894.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

CLERK, ASSISTANT TREASURER, CINCINNATI, OHIO.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Treasurer of the United States, relative to the necessity for an additional clerk in the office of the assistant treasurer at Cincinnati, Ohio; which was referred to the Committee on Appropriations.

MARY J. DUNN VS. THE UNITED STATES.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting the findings of the court in the case of Mary J. Dunn, deceased, vs. The United States; which was referred to the Committee on War Claims.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were severally referred as indicated, namely:

A bill (S. 200) for the relief of Moses Pendergrass, of Missouri—to the Committee on Claims.

A bill (S. 557) for the relief of George F. Roberts, administrator of the estate of William B. Thayer Brothers, and others—to the Committee on Claims.

A bill (S. 1076) to release a certain limitation existing in an act of Congress touching the Episcopal Church at St. Augustine, Fla.—to the Committee on Public Lands.

A bill (S. 1391) granting a pension to Mrs. Levenia D. Athon—to the Committee on Invalid Pensions.

A bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States—to the Committee on the Judiciary.

A bill (S. 1645) for the relief of the dependent relatives of the seamen of the Netherlands steamer Amsterdam, who lost their lives in the effort to save the crew of the American schooner Maggie E. Wells, and also for the relief of the sole survivor of the rescuing party—to the Committee on Claims.

A bill (S. 1694) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian Reservations, in the State of Minnesota—to the Committee on Indian Affairs.

A bill (S. 1835) to amend an act approved September 25, 1890,

extending the limits of the collection district of Hartford Conn.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1886) to facilitate the entry of steamships—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 2020) supplementary to an act approved April 6, 1894, for the execution of the award rendered at Paris, August 15, 1893, by the Tribunal of Arbitration constituted under the treaty between the United States and Great Britain, concluded at Washington February 29, 1892, in relation to the preservation of the fur seal—to the Committee on Foreign Affairs.

COURT OF APPEALS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5880) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes."

Mr. CULBERSON. I move to nonconcur in the Senate amendments and agree to the conference.

Mr. HOPKINS of Illinois. Before that I would like the gentleman to state what the amendments are.

Mr. CULBERSON. I think there are only three amendments.

The SPEAKER. The amendments will be read.

The amendments were read at length.

The motion of Mr. CULBERSON was agreed to.

The SPEAKER announced the appointment of Mr. CULBERSON, Mr. STOCKDALE, and Mr. RAY as conferees on the part of the House.

BRIDGE ACROSS MISSOURI RIVER, JEFFERSON, MO.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6610) to authorize the construction of a bridge across the Missouri River, near Jefferson, Mo.

Mr. DOCKERY. I am advised that the gentleman from Missouri [Mr. BLAND] who introduced this bill is temporarily absent, and I ask that it remain on the table for the present.

There was no objection.

GROUNDS, NAVAL OBSERVATORY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the Senate amendments to the joint resolution (H. Res. 32) declaring Massachusetts avenue through the grounds of the Naval Observatory a public street; which was referred to the Committee on Naval Affairs.

Mr. RICHARDSON of Tennessee. Should not this go to the Committee on the District of Columbia?

The SPEAKER. It relates to the grounds of the Naval Observatory.

Mr. RICHARDSON of Tennessee. Then it ought to go to the Committee on Public Buildings and Grounds. What has the Naval Committee to do with the Observatory grounds?

Mr. GEISSENHAINER. They claim jurisdiction under the law.

Mr. CUMMINGS. The naval appropriation bill provides the money for fixing up the grounds.

Mr. TALBOTT of Maryland. It is under control of the Secretary of the Navy.

The SPEAKER. The reference, the Chair thinks, is a proper one.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WOODARD for one week, on account of sickness.

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment of Mr. DOCKERY as consulting trustee of the Reform School of the District of Columbia.

CHANGE OF REFERENCE.

Mr. CUMMINGS. Mr. Speaker, I desire to report back from the Committee on Naval Affairs a Senate bill, and ask its reference to the Committee on Foreign Affairs.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (S. 1941) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela.

The SPEAKER. The Committee on Naval Affairs recommend that that committee be discharged from the further consideration of this Senate bill and that it be referred to the Committee on Foreign Affairs. If there be no objection it will be referred accordingly.

There was no objection.

ARMOR PLATE.

Mr. OUTHWAITE. I submit a report from the Committee on Rules on House resolution 177.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Joint resolution (H. Res. 177) for appointment of committee to investigate the condition and character of all armor plate, bolts, and other appurtenances delivered to Government by the Carnegie Steel Company, Limited, during entire period of the contract between said company and the Government.

The Committee on Rules, having had under consideration House resolution 177, "for the appointment of committee to investigate the condition and character of all armor plate, bolts, and other appurtenances delivered to Government by Carnegie Steel Company, Limited, during entire period of the contract between said company and the Government," report—

That they are of opinion that the questions presented in said joint resolution are of sufficient gravity to justify the investigation suggested by the resolution, and therefore recommend the adoption of the following resolution as a substitute for the same:

Resolved, That the Committee on Naval Affairs of the House of Representatives be, and is hereby, authorized and directed to immediately investigate and inquire into the condition and character of all armor plate, bolts, and other appurtenances delivered to the Government by the said Carnegie Steel Company, Limited, and by Carnegie, Phipps & Co. during the entire period of any of the contracts between said companies and the Government, and to investigate and inquire as to what amounts of inferior or damaged armor plate, bolts, and other appurtenances have been delivered to the Government by said companies, and the amount of compensation which should be paid to the Government in settlement for such damaged or inferior armor plate, bolts, and appurtenances.

That for the purposes aforesaid the said committee, or a subcommittee thereof, if authorized by the full committee, shall have power to send for persons and papers, and visit any place or places which may become necessary to the full discharge of its duties, to administer oaths, to sit during the present session of the House and during the recess of Congress. Said committee shall have authority to report at any time as to the result of its investigations and what action should be taken by this House or by Congress.

The sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of said investigation.

Mr. OUTHWAITE. Mr. Speaker—

The SPEAKER. The gentleman from Ohio.

Mr. REED. Is there any provision in that resolution for having the members of the committee go away from Washington?

Mr. OUTHWAITE. There is a provision which will authorize them to do so, or a subcommittee to do so.

Mr. REED. Is there provision for paying them their per diem while they are away?

Mr. OUTHWAITE. That has been omitted, because it is not necessary.

Mr. REED. Unnecessary on account of their consciences?

Mr. OUTHWAITE. No; unnecessary on account of their being engaged in the performance of the duties of the House, as directed by the House.

Mr. REED. Do you calculate to have that kind of a man on your committee, who will certify that he is here when he is not here?

Mr. OUTHWAITE. I suppose there will be no difficulty in finding that kind of a man, or any number of them.

Mr. REED. Then the investigation, which is likely to be valuable under all circumstances, will become doubly valuable.

Mr. OUTHWAITE. Perhaps so, if the gentleman chooses to regard it in that light.

Mr. REED. I do not make any opposition to this, because I do not think anybody can possibly care what a Congressional investigating committee does.

Mr. COOMBS. I should like to ask if this is confined solely to the armor plate, etc., furnished by the Carnegie Company?

Mr. OUTHWAITE. It includes also Carnegie, Phipps & Co.

Mr. COOMBS. There are other firms engaged in furnishing armor plate to the Government.

Mr. TALBOTT of Maryland. No charges have been made against anybody else.

Mr. COOMBS. Charges have been made to me; public charges.

Mr. OUTHWAITE. If you will introduce a resolution and have it referred to this committee it will be considered.

Mr. COOMBS. I simply suggest that the scope of the inquiry be broadened, to take in all armor plate furnished to the Government.

Mr. OUTHWAITE. I move the previous question.

Mr. STONE of Kentucky. I should like to ask the gentleman from Ohio [Mr. OUTHWAITE] a question. Does this resolution provide for ascertaining the price being paid for these armor plates?

Mr. OUTHWAITE. I suppose the investigation will go to that extent. It does not in terms expressly provide for an investigation as to the price or as to the value of the armor plates being furnished to the Government.

Mr. STONE of Kentucky. Mr. Speaker, I think it would be well to have the resolution provide for ascertaining that fact, and reporting it. I am informed that the Government, by contracts made by the late Secretary of the Navy, is paying \$600 a

ton, or 30 cents a pound, for the steel that goes into these plates, when steel rails are made for about \$27 a ton. I should like to have that matter brought to light.

I think it will interest the country to know why we are paying \$600 a ton for steel plates while the railroad companies are paying \$27 a ton for steel rails.

Mr. HOPKINS of Illinois. Can not the gentleman by amendment broaden the investigation so as to cover that?

Mr. CUMMINGS. As a suggestion, I would say that possibly the Harveyized process may have something to do with that.

Mr. STONE of Kentucky. I think when the process is investigated enough it will be found that it does not cost any more to make a ton of plate by the Harveyized process than it does to make a ton of steel rails.

Mr. OUTHWAITE. If the gentleman will offer an amendment—

Mr. STONE of Kentucky. I suggest that such an amendment be made in this resolution as will require the committee to report to Congress the price the Government is paying for these plates.

Mr. COOMBS. I think that is a very important condition, for I am told that when the first contracts were made for steel plates the contract covered the cost of the plant; that during the last Administration a subsequent contract was made at the same price per pound, thus enabling the contractors to pay themselves for the plant several times over. That has been called to the attention of the committee; and I would like permission to be given to this committee to investigate who are the owners of the Harveyized process.

Mr. OUTHWAITE. There being no amendments offered, I ask the previous question on the resolution.

Mr. STONE of Kentucky. I suggested an amendment, and I hope the gentleman will permit it to be offered.

Mr. OUTHWAITE. I suggested that an amendment might be sent up. It should be sent up in writing, so that we might know what is proposed; but I can not permit all suggestions that may be made to be considered at this time, unless an amendment should be actually offered. The information sought by the gentleman from Kentucky can readily be obtained now at the Navy Department.

Mr. STONE of Kentucky. It is impossible that I should offer it in that way. I would need to have the resolution in order to get it in at the proper place; and in view of the difficulty attending that, I ask that the resolution go over until to-morrow morning, unless you are willing that the Clerk shall insert a clause covering the point which I have made, which is to report to this House the price the Government is now being compelled to pay for these armor plates, and the cost of their manufacture.

Mr. PAYNE. I would like to ask the gentleman a question.

Mr. OUTHWAITE. I yield to the gentleman from New York for a question.

Mr. PAYNE. I want to ask whether this proposed investigation will cover the alleged settlement made by the President with the company?

Mr. OUTHWAITE. I think it covers the whole subject.

Mr. BURROWS. I have some doubt about that, I will say to the gentleman, whether it would authorize an investigation of the settlement made by the Secretary of the Navy.

Mr. OUTHWAITE. I think it would cover all such questions.

Mr. GROSVENOR. Mr. Speaker, I ask that the resolution be again read.

The SPEAKER. The gentleman from Ohio asks that the resolution be read again.

The resolution was again reported.

Mr. OUTHWAITE. Answering the question of the gentleman from New York—

Mr. STONE of Kentucky. I would like to offer this amendment.

The SPEAKER. The gentleman from Ohio has the floor.

Mr. OUTHWAITE. Answering the gentleman from New York whether it comprehends the settlement that has been made, I think it is clear that it does. It first provides for an investigation as to the amount of damaged plate, bolts, and appurtenances which have been furnished, and the amount of that damage; then it provides for an investigation as to the amount which should be paid in settlement. Now, in arriving at that conclusion, the committee will first find out what damaged plate has been furnished. They have to find out that which must be paid, and they will find that which has already been paid and settled upon.

Mr. PAYNE. Suppose they find a settlement made by the President, he being competent to make a settlement, up to a certain date. This investigation would simply be brought down to the present time, to see what had been paid, but would not open up that old settlement.

Mr. OUTHWAITE. It covers all the contracts which have been made, during all periods of time, with these parties.

Mr. BURROWS. Would it not be well to add what if any settlement has been made in the matter, by whom, and the terms thereof?

Mr. OUTHWAITE. I think not.

Mr. BURROWS. What objection would there be to that?

Mr. OUTHWAITE. Because it is not required; because the proposed investigation reaches that point.

Mr. BURROWS. If you are certain of that, that will do.

Mr. GROSVENOR. I would ask the gentleman if there is any language in this resolution which precludes that information? It states that the investigating committee shall ascertain how much damage ought to be paid. Of course, if they find out the total amount of damage that has been proven and find the amount which should be paid, they must find out what has already been paid and accepted.

Mr. BROSIUS. I desire to ask the gentleman a question. I have an idea that may or may not be of some importance in the matter. It is manifest that no one knows for certain what amount of compensation shall be paid the Government by the Carnegies in consequence of the defective iron. I would like to ask my friend if he thinks that is legislative business? Can the Legislature assess damages upon the Carnegie Company for defects in the work it did for the Government?

Mr. OUTHWAITE. The resolution does not propose to assess damages, but to make a report to Congress.

Mr. BROSIUS. But to ascertain the amount of compensation. For what purpose? Now, if the gentleman will indulge me just a moment he will remember—

Mr. OUTHWAITE. For the purpose of informing the House of these matters.

Mr. BROSIUS. Just indulge me a moment. My friend will remember that the only legitimate purpose of appointing a committee of investigation is to ascertain the existence of some evil with a view to remedial legislation. Now, I submit to him in all candor whether it is legislative business to inquire into the amount of compensation which any contractor with the Government is liable to forfeit in consequence of defects in his work?

Mr. OUTHWAITE. If Congress wants that information, certainly it is. I demand the previous question, Mr. Speaker.

Mr. CANNON of Illinois. Mr. Speaker, I see that this investigation is to continue during the recess. Why not begin it and finish it up during this session and let us have a report, so that we may know where we are "at"?

Mr. OUTHWAITE. It will very likely be finished during the session, but in case it is not, this resolution authorizes the committee to sit during the recess.

Mr. CANNON of Illinois. But why not do that later, if it is found to be necessary? I do not like to tell them beforehand that they can go on sitting week after week.

Mr. OUTHWAITE. I hardly think it likely that any members who may be appointed on this committee will desire to spend any more time on the work than is absolutely necessary.

The previous question was ordered.

The substitute was then agreed to.

Mr. OUTHWAITE moved to reconsider the vote by which the substitute was agreed to, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

HOLMES & LEATHERS.

Mr. MEYER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6698) for the relief of Holmes & Leathers.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SAYERS. I object.

BRIDGE AT YANKTON, S. DAK.

Mr. LUCAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1808) to amend the act of June 22, 1892, entitled, "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak."

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act of June 22, 1892, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.," is amended so as to read as follows:

"SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the 22d day of June, 1894."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. LUCAS moved to reconsider the vote by which the bill was passed, and also moved that the vote to reconsider be laid on the table. The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DOCKERY. Let us have the regular order, Mr. Speaker.
The SPEAKER. The regular order is the call of committees for reports.

KNIGHTS OF PYTHIAS.

Mr. BAILEY, from the Committee on the Judiciary, reported back with amendments a bill (H. R. 4701) to incorporate the Supreme Lodge of the Knights of Pythias; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURT OFFICIALS, COMPENSATION AND DUTIES.

Mr. WILLIAM A. STONE, from the Committee on the Judiciary, reported back with a favorable recommendation a bill (H. R. 6952) relating to the compensation and duties of United States attorneys, clerks, marshals, and other court officials, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CAPT. THOMAS O. SELFIDGE, UNITED STATES NAVY.

Mr. EVERETT, from the Committee on Foreign Affairs, reported back with a favorable recommendation a joint resolution (H. Res. 135) authorizing Capt. Thomas O. Selfridge, United States Navy, to accept the cross of an officer of the Legion of Honor conferred upon him by the President of the Republic of France; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PROF. ASAPH HALL, UNITED STATES NAVY.

Mr. EVERETT also, from the Committee on Foreign Affairs, reported back with a favorable recommendation an act (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Sciences of France; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH ARLINGTON RESERVATION.

Mr. GORMAN, from the Committee on Military Affairs, reported back with amendments a bill (H. R. 2371) granting the right of way through Arlington reservation for electric railway purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENLISTMENTS IN THE ARMY.

Mr. CURTIS of New York, from the Committee on Military Affairs, reported back with amendments an act (S. 1209) to regulate enlistments in the Army of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL HOME FOR AGED AND INFIRM COLORED PERSONS.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back with a favorable recommendation a bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons, and for the maintenance of the inmates thereof; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CUMBERLAND, MD.

Mr. MCKAIG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, BRUNSWICK, GA.

Mr. MCKAIG also, from the Committee on Public Buildings and Grounds, reported back with an amendment a bill (H. R. 2793) for the erection of a custom-house and post-office building at Brunswick, Ga.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, POTTSVILLE, PA.

Mr. WRIGHT of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 155) to authorize the erection of a public building at Pottsville, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SQUARE 622, WASHINGTON, D. C.

Mr. HEARD, from the Committee on the District of Columbia, reported back with a favorable recommendation a bill (H. R. 6576) to provide for the closing of a part of an alley in square 622 in the city of Washington, D. C., and for the relief of the president and directors of Gonzaga College; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. TUCKER, from the Committee on Election of President, Vice-President, and Representatives in Congress, reported back favorably the joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

On motion of Mr. DOCKERY, the House resolved itself into Committee of the Whole on the state of the Union (Mr. RICHARDSON of Tennessee in the chair) and resumed the consideration of the bill (H. R. 7097) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. DOCKERY. I ask unanimous consent that the total of the paragraph as stated in lines 12 and 13, on page 6, may be changed so as to conform to the reduction of \$500 made in the body of the paragraph on motion of the gentleman from Missouri [Mr. DE ARMOND]. That amendment was adopted, but no corresponding reduction was made in the total.

The CHAIRMAN. If there be no objection, the amendment suggested by the gentleman from Missouri [Mr. DOCKERY] will be adopted.

There was no objection, and it was ordered accordingly.

Mr. DOCKERY. Mr. Chairman, I ask consent that where amendments are made affecting the total appropriated in any paragraph the Clerk be authorized to make such change in the total as will conform to any increase or decrease which may have been made in the items embraced in the paragraph.

The CHAIRMAN. If there be no objection, consent will be given that the Clerk change the totals of paragraphs so as to conform in amount to amendments which may have been adopted. The Chair hears no objection, and it is so ordered.

The Clerk read as follows:

For clerk hire, Members and Delegates, House of Representatives: To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, \$97,030.40, or so much thereof as may be necessary.

Mr. HAYES. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend as follows, on page 16, at end of eighteenth line:

"That the joint resolution authorizing members to certify monthly the amount paid by them for clerk hire and directing the same to be paid out of the contingent fund of the House," approved March 3, 1893, be amended so as to read as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after this date each Member and Delegate of the House of Representatives of the United States may on or after the 1st day of every month certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid to him by the Clerk out of the contingent fund of the House on the 4th day of each month: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed \$100 for any month: *And provided further*, That the provision of this resolution shall not apply to members who are chairmen of committees entitled, under the rules, to a clerk."

Mr. DOCKERY. I raise a question of order upon that amendment. It changes existing law and does not reduce expenditures. The point does not require any argument.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For contingent expenses, namely: For materials for folding, \$16,000.
For fuel and oil for the heating apparatus, \$8,000.
For furniture, and repairs of the same, \$9,000.

Mr. STOCKDALE. I wish to inquire of the gentleman from Missouri [Mr. DOCKERY] whether the commission that has been engaged in overhauling the manner of keeping accounts gave any attention to these items or took any measures requiring them to be itemized?

Mr. DOCKERY. These items of expenditure do not come within the jurisdiction of the commission. The Committee on Accounts is authorized under the rules of the House to determine as to the propriety of these expenditures.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

For contingent expenses, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, \$3,000.

Mr. LACEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 21, on page 17, add the following:
"And section 42 of the Revised Statutes is hereby repealed."

Mr. DOCKERY. I make a point of order on that amendment.

Mr. LACEY. I would be glad if the gentleman would reserve his point of order instead of pressing it at this moment.

Mr. DOCKERY. I will reserve it for a moment, in order that the gentleman may be heard.

Mr. LACEY. Mr. Chairman, in these days, when we are discovering so much old law that has not been enforced for a good while, it is appropriate to refer to another of these statutes passed long ago. I find in section 42 of the Revised Statutes this provision:

When any book is ordered to and received by any Member or Delegate, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such Member or Delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the Member or Delegate was elected.

Now, Mr. Chairman, we passed not long since a resolution turning over to members of the present Congress the unappropriated books of the preceding Congress; and I have just received, as no doubt other members have, a statement that I am entitled to 27 agricultural reports issued in 1892, and to 74 reports on animal industry issued in 1891 and 1892, these volumes having been published previous to the present Congress.

It will be the duty of the custodians of the books of this House to figure up the amount of the actual cost of these books and deduct them from the salaries of the members under that act, and I am quite sure no one wants to have that done. I not think that was the purpose of the resolution turning over these books to this Congress, which were issued or published by order of a former Congress, and I hope no point of order will be made on the motion to repeal the section.

Mr. DOCKERY. I will be compelled, Mr. Chairman, to insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LACEY. Then I will appeal from the ruling of the Chair.

The CHAIRMAN. Why, the gentleman himself conceded that the point of order was good.

Mr. LACEY. Certainly; but the House may think differently.

The CHAIRMAN. The question is on the appeal.

Mr. BROSIUS. Let us have the amendment again reported. The amendment was again read.

Mr. LACEY. If the Chair will indulge me a moment. Of course, I concede that the decision of the Chair is right; but at the same time we may reverse it on appeal, and there is no way of reaching or discussing this question at the present time, except by an appeal.

Mr. STOCKDALE. You concede that the Chair is right, and yet appeal from the decision?

Mr. LACEY. Certainly. It is unquestionably right that the books thus sent to the members of the House should not be charged to them and deducted from their salaries, as they are issued to us for distribution. Section 42 requires that all these books, which have been printed by a previous Congress, and coming to the members of the present Congress under the resolution adopted by the House, shall be charged up to the members of this House at their cost. I am sure the gentleman from Missouri will not insist upon the point of order.

Mr. HOPKINS of Illinois. Will the gentleman read the language again?

Mr. LACEY. The language is perfectly clear. If gentlemen will turn to page 338 of the Digest they will find this section of the Statutes:

When any book is ordered to and received by any Member or Delegate by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such Member or Delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the Member or Delegate was elected.

The language is unambiguous. There is no question but that the cost of these extra Agricultural Reports issued in 1891 must be charged to the members of this Congress.

Mr. WEVER. Whether we take them or not?

Mr. LACEY. If we take them; and they have been already generally drawn and sent out to our constituents.

Mr. LYNCH. Is it not a fact that these are being distributed as far as practicable through the Secretary of Agriculture, and constitute a part of the one-third of all the books published and distributed by him, and if he is not simply distributing them

through the members of Congress? That being the case, there is no charge against anybody for them.

Mr. LACEY. But they must be charged to the members under this section.

Mr. LYNCH. Not at all.

Mr. LACEY. Oh, yes, for they come to us under a resolution passed by this Congress.

Mr. LYNCH. That resolution has not been passed yet.

Mr. PENDLETON of West Virginia. It is still pending.

Mr. LYNCH. It is a part of the printing bill which has not yet passed the Senate.

Mr. DOCKERY. I hope my friend from Iowa will not insist upon the appeal.

Mr. LACEY. Very well, Mr. Chairman, I hope to work upon the good sense and sympathy of my friend from Missouri in some other way and I withdraw the appeal. Having called the attention of the House to the matter, the repeal of the section will no doubt be reported from the proper committee.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

LIBRARY OF CONGRESS.

For compensation of Librarian, \$4,000, and for thirty assistant librarians, two at \$2,500 each; two at \$1,800 each; two at \$1,600 each; two at \$1,440 each; eight at \$1,400 each, one of whom shall be in charge of international exchanges; ten at \$1,200 each; two at \$720 each; and two at \$600 each; in all, \$44,520.

Mr. DOOLITTLE. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the word "each," in line 1, page 18, "one of whom shall be appointed by the Chief Justice of the Supreme Court of the United States, to have charge of the Law Library."

Mr. DOCKERY. I make the point of order against that amendment. It is a change of the existing law and does not retrench expenditures.

Mr. DOOLITTLE. I desire to state, Mr. Chairman, that my understanding was, from a conversation with the chairman of the committee in charge of this bill, that he would be willing to take the sense of the committee upon the amendment. I recollect quite distinctly of having that conversation with him. Of course the remark may have been inadvertently made by the gentleman, and not intended to be taken in the sense I took it. But that was clearly my understanding.

Mr. DOCKERY. I have no recollection of any such understanding, but if the gentleman insists that I so agreed I will accept his statement as correct, and am willing to have a vote on the proposition.

The CHAIRMAN. The Chair understands the point of order is withdrawn.

Mr. DOCKERY. I withdraw it, although this is a change in existing law.

Mr. DOOLITTLE. Mr. Chairman, the law library, as everyone knows, contains from 60,000 to 70,000 law books, and is a portion of the Congressional Library in a certain way.

Under section 85 of the Revised Statutes the justices of the Supreme Court are required to pass regulations for the government of that Library and its use. They have in this way a sort of theoretical custody of the Library, but the final custody remains with the Congressional Librarian. No one here has any criticism to make as to the able Congressional Librarian whatever. Everyone concedes that he is an able and conscientious officer, and that he controls the Library in a wise and proper manner so far as possible.

I appeal now to the lawyers on the floor of this House, and I would like to have the attention of men who are interested in law books for just a few minutes, while I explain the existing condition.

I apprehend that there is no lawyer upon the floor of this House who would not all the time insist upon having the control of his own library and the arrangement of his own books. I have had the fortune to practice law for a number of years myself, and I know that a lawyer's books are as important to him, as far as their arrangement is concerned and his familiarity with them, as are the tools and appliances of a mechanic. You handle your law books until the backs of them are blackened and the leaves bear marks of such frequent reference that you would not take a hundred dollars for the statutes of your own State, with which you are familiar, if you were compelled to take in their place new copies. So it is with the reports of your State courts and those that run along under a similar code or practice which you are familiar with and that you cite as precedents whenever you try a case in court.

Now, the justices of the Supreme Court, and the lawyers who have and who should have access to these books, are desirous that these books should be placed under the control of some man who has a care for law books, who appreciates law books.

The CHAIRMAN. The time of the gentleman has expired.
Mr. DOOLITTLE. I should like to have my time extended for five minutes. I have taken very little time, and this is a subject that is interesting to me.

The CHAIRMAN. The gentleman from Washington asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DOOLITTLE. Now, Mr. Chairman, inasmuch as it has been suggested that a change is sought to be made in existing law by this amendment, I do not think that is the case. It certainly does not increase the appropriation at all, and I am addressing myself to this suggestion now as to the merits of this proposition, and not as to any legal phase that it may have, or any technical relation it may bear to the rules of the House.

This bill provides for a number of additional librarians. It is well known to everybody that the copyright business has grown so rapidly in this country that the present efficient and very able Librarian of Congress is kept exceedingly busy with this line of duty. So it is that this bill has provided for an additional number of librarians.

Now, Mr. Chairman, and gentlemen of the committee, under the circumstances existing this amendment is designed solely for the better and more complete arrangement of these law books. I have taken the pains to have conversations with the men who are exceedingly interested in this subject, and I know that it is their desire that some one be placed in this position as provided for in this amendment.

Mr. GROUT. I ask that the amendment be again reported.
The amendment was again read.

Mr. DOCKERY. Mr. Chairman, I want to say to this committee that this amendment, in my judgment, ought not to prevail. It does not come to this House with the official sanction of the Chief Justice of the Supreme Court of the United States, or of the Secretary of the Treasury.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman permit me to interrupt him just for a moment?

Mr. DOCKERY. Yes.

Mr. DOOLITTLE. Now, I will say for the information of the able chairman of the committee, a man whom I believe to be thoroughly conscientious about this and all other matters, that I have had a conversation with the Chief Justice on this subject, and told him I was desirous of being useful, if the offering of this amendment and the adoption of it would be useful, and he informed me of his desire to have these books arranged as they would be arranged under the direction of some man of executive ability who would take proper charge of them, and who would have these law books as his sole charge.

Mr. DOCKERY. I want to repeat what I said, that this does not come here with the official sanction of the Chief Justice or of the Secretary of the Treasury. It is not included in the estimates which the law requires to come to this House from the Secretary of the Treasury. Of course I do not know what private conversation the gentleman has had with the Chief Justice. I would be disposed to accept any statement he makes in respect to that; but let me say to this committee that this library is now under the control of one of the most accomplished officials in this Government.

Mr. DOOLITTLE. There is no doubt about that.

Mr. DOCKERY. I refer to the present librarian. This is a proposition to divide up the control of this library, and to put a part of it under the control of the Chief Justice of the United States. Now, I believe there is not an old member here who has had business with the present librarian but who will bear testimony to his exceeding efficiency. This is a proposition to take from him the control of the law library, and I do not believe this committee will support it.

Mr. HOPKINS of Illinois. Before the gentleman sits down, let me say, my recollection is that under a section of the Revised Statutes, the law library is under the control of the Supreme Court, or they make rules and regulations regarding it. Now, if that is true, would not the amendment of the gentleman from Washington [Mr. DOOLITTLE] be right in line with the present legislation?

Mr. DOCKERY. I do not think there is any such law.

Mr. DOOLITTLE. It is section 81 of the Revised Statutes.

Mr. DOCKERY. But whether it is or not, this library, including the law library, has always been under the control of Mr. Spofford, and it ought to remain there.

Mr. HOPKINS of Illinois. I am not arguing it. I am simply asking this question for information. I have not looked up the statutes; but I am informed that there is a statute which places the law library under the control of the Supreme Court, and that that court makes rules and regulations governing the use of that library by the public and by the members of the bar as well as the court itself.

Mr. DOCKERY. I have no information on that question. If

there is such a law as that, I can not see why this appropriation should have been carried from time immemorial as it has.

Mr. DINGLEY. I wish to call the attention of the gentleman from Washington to one difficulty in his amendment. There is not simply one assistant librarian who is employed by the Librarian, but there are several of them. Now, if the law library is to be put under the Chief Justice, then all the assistants should be employed by him, and all the employes should be exclusively under his control. If this amendment is adopted you will have one man there appointed by the Chief Justice and all the rest appointed by the Librarian. Now, if any change is to be made, there ought to be some examination of the number of employes who are engaged in that portion of the library, and the whole might be put under the Chief Justice and not one. This would give a divided responsibility—one to be under the Chief Justice and two or three to be appointed by the Librarian of Congress. Either all or none ought to be appointed by the Chief Justice. I make that suggestion.

Mr. HOPKINS of Illinois. I would like to ask the gentleman in charge of the bill whether in compiling this bill any complaint has been made as to the manner in which the law library has been conducted under the present incumbent?

Mr. DOCKERY. None whatever. I know of no complaint ever having been made of Mr. Spofford.

Mr. HOPKINS of Illinois. Is there any complaint as to the manner in which the books are arranged in the law library, in the matter of reference?

Mr. DOCKERY. None to my knowledge.

Mr. TALBERT of South Carolina. Will the gentleman yield to me for a question?

Mr. DOCKERY. Certainly.

Mr. TALBERT of South Carolina. I would like to ask if it is understood that this amendment makes a new officer?

Mr. DOCKERY. No, sir.

Mr. TALBERT of South Carolina. Does it increase the expenditures?

Mr. DOCKERY. It will have that effect ultimately, because it divides the responsibility, by placing it under another head of a department.

Mr. TALBERT of South Carolina. While it does not create another office, then it does increase expenditures?

Mr. DOOLITTLE. No, sir; it does not.

The CHAIRMAN. The gentleman from New Hampshire.

Mr. HOPKINS of Illinois. I have the floor for five minutes.

The CHAIRMAN. The gentleman from New Hampshire is recognized.

Mr. HOOKER of Mississippi. Mr. Chairman, I rise to a question of order. There is so much confusion we can not hear what is said.

The CHAIRMAN. The point of order is well taken.

Mr. HOOKER of Mississippi. I ask to have the amendment read again.

The amendment was again read.

Mr. BLAIR. Mr. Chairman, I only desire to say in reference to this law library that a very small proportion of the law library is used by the Supreme Court, the bar of the District, and both branches of Congress, that a very large and extensive miscellaneous use of it is necessary to those who have occasion to transact business in this city, in connection with the courts, before Congress, in connection with the investigation of legal questions, and the authorship of legal treatises, and all that.

All this use, so much beyond the actual necessities of the Supreme Court, is outside of its jurisdiction; and it seems to me that it would be an unsafe and an unwise thing to put the entire control of this great library in the hands of the Chief Justice of the Supreme Court, when under the existing arrangement every facility is afforded the Supreme Court for such use of the library as is necessary. I am not aware that there is a complaint or has ever been in regard to the use of this library by everybody interested in it; and certainly it would be impossible in this country, or in this world, to find a more competent gentleman to have charge of it than the gentleman who now has it under his control.

Mr. RAY. Mr. Speaker, I would like to say a word in regard to the law library and its management, because I have given the subject quite a little attention, and one or two bills affecting it have been before the Committee on the Judiciary for consideration. I should very much dislike to see this amendment adopted at the present time. I do not think the amendment appropriate, nor do I think this a proper time to legislate upon the subject. The law library is of great importance, of course, to the justices of the Supreme Court, but it is also of very great importance to the members of this House and to the bar of the District. The present quarters are entirely inadequate for the accommodation and proper arrangement of the library, and at sometime in the not far distant future more commodious quarters will have to be provided; and I suppose the question will then be whether or

not that part of the Congressional Library shall be removed to the new building now in process of erection. I should dislike to see that done.

Another point. There is now no complete or adequate catalogue of this library, and the gentlemen who have it in charge can not tell to-day what books are there. No member of this House, no lawyer, can tell or ascertain whether certain works are in the library or not. The time will come in the not far distant future when some provision will have to be made by Congress for a catalogue, for commodious quarters, and for the proper management and custody of the library. Who shall have it in charge, in whose custody it shall be, is a question that should be considered and settled in the future, and after due consideration and deliberation.

Mr. DOCKERY. May I interrupt the gentleman to quote section 81 referred to by the gentleman from Washington [Mr. DOOLITTLE]?

Mr. RAY. Certainly. Read it.

Mr. DOCKERY (reading):

Sec. 81. The Library of Congress shall be arranged in two departments, a general library and a law library.

This amendment would change that law.

Mr. RAY. Now, Mr. Chairman, I desire to say further that the gentlemen who have immediate charge of the law library at the present time are very competent men. They understand their business; they are courteous, and every purpose that anyone can have in view is answered at the present time by the existing management so far as the accommodations will permit. I hope, therefore, that this proposed amendment will not prevail, but that the matter will be allowed to rest until after proper investigation some manner of governing and regulating this portion of the Library of Congress shall be carefully devised and provision made for a catalogue, and also for more commodious rooms somewhere in this Capitol building. For these reasons (which I might enlarge upon) and others, I earnestly hope that members will vote down this amendment and leave the whole matter for future consideration.

Mr. DOOLITTLE. Mr. Chairman, I desire to make a correction. It was section 85 instead of section 81 that I referred to.

Mr. BYNUM. Mr. Chairman, I do not know that I favor this amendment, but I wish to correct an impression that may have been made by the remarks of the gentleman from Missouri [Mr. DOCKERY] that no complaint has been made about the management of the law library.

Mr. DOCKERY. I said there had been none to my knowledge.

Mr. BYNUM. That is probably because you have had no occasion to go to the library to investigate legal questions. Every lawyer who has had occasion to go there has found that that library is not kept in the best order. As the gentleman from New York [Mr. RAY] has just said, there is no catalogue, and it is only with great labor and difficulty that an investigation of a legal question can be made. While I have a high regard for Mr. Spofford as a librarian, he does not devote his time to the law library, nor do I believe he could devote the time which would be necessary for the proper management of the same, and I fully concur in the opinion of the gentleman from New York [Mr. RAY] that the time will soon come when a great reform must be inaugurated.

Mr. DOCKERY. I suggest to the gentleman that there is a bill on that subject now pending before the Committee on the Judiciary.

Mr. BYNUM. There is, and I wish now simply to express the view that that or some other proper measure ought to be taken up and considered. I am inclined to think that it would not be wise to adopt the pending amendment at this time, but that the subject should be dealt with more deliberately by a measure coming from the Committee on the Judiciary.

The amendment of Mr. DOOLITTLE was rejected.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three Commissioners, at \$3,500 each; one chief examiner, \$3,000; one secretary, \$2,000; two clerks of class 4; two clerks of class 3; three clerks of class 2; three clerks of class 1; three clerks at \$1,000 each; two clerks at \$800 each; one messenger; two laborers; one engineer, \$840; and two watchmen; in all, \$39,340.

Mr. ENLOE. Mr. Chairman, I move to strike out all after line 7, on page 20 of the bill, down to and including line 17, being the paragraph just read.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment to the amendment.

The amendment to the amendment was read, as follows:

Strike out lines 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, on page 20, and insert the following in lieu thereof:

"Employees in the departmental classified service of the United States shall be citizens of the several States, Territories, and the District of Columbia, and the number from no State, Territory, or District shall be greater than its just proportion, based upon population; and to this end removals and

appointments shall be made as soon as practicable after the passage of this act. Whenever any State or Territory or the District of Columbia shall be entitled to an appointment in such service the appointment shall be made for a term of six years, upon the recommendation of such State, Territory, or District, as shall be provided by the law thereof; but all appointees shall be subject to promotion, reduction, and removal by the proper officers of the United States as the good of the service may require."

Mr. DINGLEY. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Missouri. Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to offer a substitute.

Mr. CRAIN. I rise to a parliamentary inquiry. Has a point of order been made against the amendment?

The CHAIRMAN. The point of order has been made against the amendment to the amendment.

Mr. CRAIN. Is a substitute in order until the point of order is determined?

The CHAIRMAN. The Chair can not tell until he hears the substitute.

Mr. CRAIN. But is any substitute in order pending the determination of a point of order?

Mr. DINGLEY. I suggest to the Chair that the motion of the gentleman from Missouri [Mr. DE ARMOND] is not a substitute for the amendment of the gentleman from Tennessee. They are two distinct motions. One is a motion to strike out and the other is a motion to strike out and insert.

The CHAIRMAN. The question of order raised by the gentleman from Texas [Mr. CRAIN] is whether a substitute for either the amendment or the amendment to the amendment would be in order while the point of order is pending.

Mr. DINGLEY. There can be no point of order, of course, against a motion to strike out; that motion is necessarily in order. I have made a point of order against the motion of the gentleman from Missouri, to strike out and insert, because what he proposes to insert is new legislation, changing existing law.

The CHAIRMAN. The question then is, the gentleman from Mississippi [Mr. WILLIAMS] having sent to the desk a substitute, whether it can be offered until the point of order is decided. That is the question now raised.

Mr. CRAIN. I think the gentleman from Maine [Mr. DINGLEY] does not thoroughly understand the parliamentary status. As I understand, the gentleman from Maine made a point of order against the amendment of the gentleman from Missouri, which was offered as an amendment to the original proposition of the gentleman from Tennessee. Now, that point of order being still undecided, the gentleman from Mississippi proffers a substitute, and I raise the point of order that until the question of order already raised is decided a substitute can not be entertained.

Several MEMBERS. That is right.

The CHAIRMAN. The Chair, upon examination of the proposed substitute, finds that it applies to a portion of the bill which has not yet been read, and therefore would not be in order at any rate. The Chair will therefore first settle the question of order raised by the gentleman from Maine.

Mr. CRAIN. Without deciding the point of order raised by me?

The CHAIRMAN. Yes, sir.

Mr. WILLIAMS of Mississippi. The substitute proposes to strike out all of this section—

The CHAIRMAN. And other portions of the bill.

Mr. WILLIAMS of Mississippi. But it is all in the same connection.

The CHAIRMAN. Still those portions of the bill have not yet been read.

Mr. WILLIAMS of Mississippi. Do I have to wait until the entire section is read?

The CHAIRMAN. Undoubtedly the gentleman can not move to strike out a paragraph before it is read.

Mr. CRAIN rose.

The CHAIRMAN. The Chair will hear the gentleman from Texas on the point of order.

Mr. CRAIN. My point is at present immaterial as the gentleman from Mississippi has withdrawn his substitute. I wanted to say, however, that without reference to the contents of the substitute—

The CHAIRMAN. That is withdrawn. It is not now before the committee. The question is on the point of order raised by the gentleman from Maine upon the proposed amendment of the gentleman from Missouri. The Chair will hear the gentleman from Missouri, although the Chair is inclined to sustain the point.

Mr. DE ARMOND. I rather dislike to address myself to a point of order after it has been virtually decided.

The CHAIRMAN. The Chair has not decided the point of order, but prefers to hear from the gentleman from Missouri first. That is all that the Chair meant to say.

Mr. DE ARMOND. Mr. Chairman, the point of order raised is that the substitute or amendment offered by me would change existing law. I concede that is the fact. But the amendment is not amenable to the objection if it would also reduce expenditures. The question, then, is not whether it would change existing law, because it is conceded that it would, but would it also reduce expenditures? If so, it is allowable under the rules of the House. Now, it would, in fact, reduce expenditures to the extent of the whole amount carried by this paragraph. It is a proposition to strike out the paragraph with all the appropriation made in it. It changes the law in providing a new method of making these appointments; but in this it entails no expense whatever upon the Government. So that it is a proposition to change existing law, and in doing so to reduce the expenditures carried by the bill.

A gentleman near me suggests an inquiry as to the extent to which the reduction of expenditures would go. I answer to the extent of the entire amount carried by the paragraph. As the Chairman will see, this proposition is to supply these appointees to the General Government without cost to it in reference to their selection. The States and Territories, including the District of Columbia, if this amendment becomes law, will under laws of their own enactment nominate persons for appointment here; and those persons, being accordingly appointed, will be subject to promotion, to reduction, and to dismissal by the officers of the Government as the good of the service may require. The effect of this provision would be first to equalize among the States and Territories, including this District, the number of persons in the departmental classified service of the Government.

Each State or Territory would have in this service such number of persons as it would be entitled to according to population. These persons would be selected in each State under and pursuant to its own laws, by civil-service examination or by any other method that the State might see proper to adopt. The State being entitled to an appointment in this service would nominate in its own way and under its own laws a person for such service, and that person would be appointed without a cent of expense to the General Government, subject to be removed in an hour if not satisfactory, subject to promotion, subject to reduction, subject to dismissal at the absolute will of the officers of the Government.

This would be an entirely new system. It would effectually equalize these appointments among the States; and in my judgment it would take the patronage question out of politics, remitting it to the States. It would be civil service reform in fact, instead of in theory. Under such an arrangement the people of each State—the people of Maine, of Missouri, of Texas, or any other State—would determine for themselves the manner in which they desire the selections to be made for this classified service. If Maine should choose to have a civil service law and to recommend her appointees in accordance with an examination under that law, she would make and execute her own law. If she should choose to clothe her governor or her sheriffs or any other officers with the power of nomination, she would do that. If she should choose to have these persons elected by popular election, she would do that. The selection having been made of one of her own citizens, that person would come here for appointment—subject, as I have said, to removal in an hour if not satisfactory, subject to promotion, subject to reduction; and not a solitary cent of expense would be entailed upon the General Government.

Mr. HOPKINS of Illinois. Mr. Chairman, I did not understand the gentleman's amendment sufficiently well from the reading of it to gather information as to how he expects the States to certify persons for appointment as the amendment provides, and what authority there is in the Federal Government to make known to the States the requirement existing for additional clerks.

Mr. DE ARMOND. Oh, there is no special machinery provided in the amendment.

Mr. HOPKINS of Illinois. Is there anything in the amendment to authorize such a thing?

Mr. DE ARMOND. There is no special machinery provided.

Mr. HOPKINS of Illinois. Then, by striking out this part of the bill you strike out the commission.

Mr. DE ARMOND. Oh, yes.

Mr. HOPKINS of Illinois. Now, is there any Federal authority to cooperate with the States in this matter?

Mr. DE ARMOND. I suppose it would be subject to mere departmental regulations. First, there would be a readjustment of the force. A State having a proportion of appointments in excess of what it is entitled to would lose that excess; and another, having a less proportion than it is entitled to, would have a corresponding increase. It would be a matter of mere certification.

Mr. HOPKINS of Illinois. My point is that if this amendment is adopted it would require very much legislation to make it effective.

Mr. ENLOE. I make the point of order, Mr. Chairman, against this debate. Gentlemen are not discussing the point of order, but the merits of the question.

The CHAIRMAN. The Chair wants to state this—

Mr. HOPKINS of Illinois. My questions, I will state, were to develop the fact that the amendment is not germane to this bill and that it changes existing law.

The CHAIRMAN. The Chair wants to state the condition of the question. The gentleman from Tennessee [Mr. ENLOE] offers an amendment to strike out certain portions of the text of the bill. The gentleman from Missouri offers an amendment to that amendment a motion to strike out the words specified and insert certain others. The Chair thinks that is hardly in proper form to be called an amendment to the amendment.

Mr. DE ARMOND. It ought to be called a substitute for the amendment, and it was my intention to so designate it.

The CHAIRMAN. But the two amendments can be voted upon separately, and they should be. Under our rule, whatever may be the general rule of parliamentary law, under our special rule, paragraph 7 of Rule XVI, a motion to strike out being lost it will not preclude the motion of the gentleman from Missouri to strike out and insert. If the motion of the gentleman from Tennessee is lost, the motion of the gentleman from Missouri would be still in order; and if the motion of the gentleman from Tennessee prevails, it will be still in order to insert the matter proposed in the amendment of the gentleman from Missouri, if it be held to be in order on this bill.

Therefore, without deciding whether the amendment of the gentleman from Missouri is in order or not, the Chair will first submit to the committee, in order to proceed properly, the motion of the gentleman from Tennessee, which is a motion to strike out, and against which no point of order is made. If that is voted up or down, then the motion of the gentleman from Missouri can be submitted, and the question of order determined as to whether it is admissible or not.

Mr. DE ARMOND. But before that, Mr. Chairman, I desire to present mine as a substitute for the motion of the gentleman from Tennessee.

The CHAIRMAN. But it is an amendment.

Mr. DE ARMOND. That is true, but if the Chair will hear me a moment—

Mr. DINGLEY. Before the gentleman from Missouri proceeds I wish to call attention to the fact—not having completed the statement on the point of order—that there is not a word of the gentleman's amendment that is germane to the provision we are considering, which is simply a provision for the salaries of the Civil Service Commission.

The CHAIRMAN. The Chair is constrained to hold that the amendment is not in order until the other amendment is disposed of.

Mr. HOPKINS of Illinois. Then at present the Chair sustains the point of order?

The CHAIRMAN. The Chair does not, because it is not before the committee.

Mr. DE ARMOND. A word, Mr. Chairman, as to the amendment which I offered in the nature of a substitute. That amendment, I hold, would be in order with the bill in its present shape; but if the words proposed to be stricken out by the amendment of the gentleman from Tennessee are stricken out, then the amendment would be subject, on the point of order, to another objection which does not at present lie against it. Then there would be no words in the bill—

The CHAIRMAN. But the motion of the gentleman from Missouri strikes them out.

Mr. DE ARMOND. That is true, but it strikes out and inserts. Here is the point: If the motion of the gentleman from Tennessee prevails, and these words have been stricken from the bill, then it will be as if that provision had never been in the bill. Then when I offer the amendment which I have submitted now by way of a substitute, of course the part struck out would have been eliminated, and mine would be a proposition to insert new legislation and it could not then be said that it would reduce expenditures. Then it would be subject to the objection of being new legislation without reducing expenditures because that part of the bill to which it refers, and which carries an appropriation, would have gone out.

The CHAIRMAN. The Chair thinks not, because the rule referred to by the Chair especially provides that the motion to strike out will not preclude a motion to strike out and insert.

Mr. DOCKERY. Mr. Chairman, there are four amendments in order under the rule; first, an amendment to a paragraph; an amendment to the amendment; a substitute to an amendment, and an amendment to the substitute. Now it is in order at this

time to have four propositions pending, and it seems to me better to have the four propositions pending if they are to be offered.

The CHAIRMAN. That is true; but they must be in order. Mr. DOCKERY. The House will then have the whole question before it. The House may not be willing to strike out the paragraph on motion of the gentleman from Tennessee, if the motion of my colleague from Missouri was held to be in order. Or it might vote down both propositions and accept a substitute for them offered by some one else if it was in order. It seems to me that four propositions are now in order.

The CHAIRMAN. While that is unquestionably true, there are but two offered.

Mr. DOCKERY. But I understood the Chair to insist that the proposition of the gentleman from Missouri was not now to be offered, and that he would not now rule upon the question of order until the final disposition of the amendment offered by the gentleman from Tennessee. As suggested by my colleague [Mr. DE ARMOND] if that proposition prevails, clearly then, whatever else might be said of the amendment offered by my friend from Missouri [Mr. DE ARMOND] it would not be in order.

Mr. HOPKINS of Illinois. Well, but the amendment of the gentleman from Missouri—

Mr. DOCKERY. Now, I want to make a suggestion, with perfect respect to the Chair, that it seems to me there is hardly a line or word in the amendment offered by my colleague from Missouri [Mr. DE ARMOND] that is in order under the rule, and I think the Chair ought to rule on the matter one way or the other.

Mr. CRAIN. Will the gentleman yield for a question?

Mr. DOCKERY. Certainly.

Mr. CRAIN. If I understand it, this motion only strikes out the appropriation. It does not change existing law.

Mr. DOCKERY. No, the motion of my colleague from Missouri [Mr. DE ARMOND] is a proposition to strike out and insert. The motion of the gentleman from Tennessee [Mr. ENLOE] is clearly in order, because it is simply a proposition to strike out, but my friend from Missouri [Mr. DE ARMOND] offers a proposition which it seems to me is not in order.

Mr. HOPKINS of Illinois. The proposition of the gentleman from Missouri [Mr. DE ARMOND] is entirely foreign to the paragraph.

Mr. DOCKERY. I think the Chair ought to rule on it at this time.

Mr. ALDERSON. Does the Chair hold that the amendment of the gentleman from Missouri [Mr. DE ARMOND] is not in order?

The CHAIRMAN. The Chair does not hold that, because the amendment is not before the committee.

Mr. ENLOE. Mr. Chairman, that being the case, I should like to have the attention of the committee upon my amendment.

Mr. GROSVENOR. Mr. Chairman—

The CHAIRMAN. The gentleman from Tennessee [Mr. ENLOE] has the floor.

Mr. DOCKERY. Before the gentleman from Tennessee [Mr. ENLOE] proceeds, I wish to say that as this whole question of civil service reform is to be raised by the pending proposition, and perhaps others, I should like to have unanimous consent now to fix a time for the debate on this subject, and all amendments that may be offered to the paragraphs relating thereto.

Mr. GROSVENOR. The purpose for which I rose was to suggest to the gentleman from Missouri [Mr. DOCKERY] that I wish to insist on a point of order to the next paragraph of the bill, and consequently that I wish to debate the motion of the gentleman from Tennessee [Mr. ENLOE]. I think it would be wise to fix a time for the debate.

Mr. DOCKERY. I will state very frankly to the gentleman from Ohio—because I have no desire to insist on any proposition being in order when, in my judgment, it is not—I think the next paragraph is subject to the point of order.

Mr. ENLOE. I should like to let that alone until we reach it.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] is trying simply to reach an agreement as to the time for the discussion of the matter.

Mr. DOCKERY. Now, how much time does the gentleman from Ohio [Mr. GROSVENOR] want?

Mr. GROSVENOR. I do not want over fifteen minutes. I should not like to limit myself inside of that.

Mr. DOCKERY. Mr. Chairman, I find that several gentlemen want to talk on this question, and I ask that all debate on the civil service question, the three paragraphs of the bill and the amendments thereto, be limited to two hours, the time to be equally divided between those for and against the Civil Service Commission, and that all speeches be limited to five minutes.

Mr. DE FOREST. I have no objection, Mr. Chairman, if it is understood—

Mr. ALDERSON. I desire to offer a substitute for the amendment.

Mr. DE FOREST. I wish to ask what will be the effect of the agreement as to the distribution of time?

The CHAIRMAN. In the absence of any special agreement, the Chair would endeavor to divide the time equally. Will the gentleman from Missouri [Mr. DOCKERY] please again state his request.

Mr. DOCKERY. Mr. Chairman, I thought an hour would be sufficient, but several gentlemen wish to talk, and therefore I ask unanimous consent that the debate be limited to two hours.

Mr. CRAIN and others. Three hours.

Mr. HOPKINS of Illinois. Let me suggest to the gentleman in charge of the bill [Mr. DOCKERY] that there has been no debate on this at all. Why not let the debate run on, on these amendments as they come along, and the moment that the gentleman sees that the debate is drifting away from the subject under consideration, why then he can move to limit debate.

Mr. DOCKERY. We want to get along with the bill and not make the Committee of the Whole a mere debating society.

Mr. CRAIN. I will suggest to the gentleman that we did not have any great length of general debate.

Mr. DOCKERY. We had three hours and a half.

Mr. CRAIN. That is not long. We have plenty of time.

Mr. DOCKERY. Is there any objection to two hours?

Mr. CRAIN. Make it three hours.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on the three paragraphs with reference to the Civil Service Commission be limited to two hours. Is there objection?

Several members objected.

The CHAIRMAN. Several gentlemen object.

Mr. ALDERSON. I make the point of order against the second paragraph.

The CHAIRMAN. The gentleman will be recognized to make the point of order against the paragraph.

Mr. DOCKERY. I ask that all debate on these three paragraphs be limited to three hours, to be divided equally.

The CHAIRMAN. The gentleman from Missouri asks that all debate on the paragraphs relating to the Civil Service, under the five-minute rule, be limited to three hours. Is there objection?

Mr. ALDERSON. I object. I desire to offer an amendment to the second paragraph, and I want that right reserved. I desire to offer a substitute, and do not desire to lose my right to do so.

The CHAIRMAN. The Chair says it will be open to amendment. The gentleman will have full opportunity to offer his amendment.

Mr. DOCKERY. I renew my request.

Mr. COOMBS. I think the Chairman stated a proposition not stated by the gentleman from Missouri, namely, that the speeches be limited to five minutes.

Mr. DOCKERY. That is the rule of the House.

The CHAIRMAN. The Chair will again submit the request. The gentleman from Missouri asks unanimous consent that all debate upon the three sections relating to the Civil Service Commission and amendments thereto be limited to three hours. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. DOCKERY. How is the time to be divided?

The CHAIRMAN. In the absence of any agreement, the time will be left in the discretion of the Chair; and the Chair will attempt to divide it as nearly equal between the two sides as he can—those favoring and those opposing.

Mr. CRAIN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CRAIN. I understand the request to be for unanimous consent that debate be carried on under the five-minute rule. How does the Chair propose to divide the time?

The CHAIRMAN. By alternating under the rule in recognizing those for and those against the amendment.

Mr. ENLOE. Mr. Chairman, I would like to have the attention of the committee for fifteen minutes.

The CHAIRMAN. The Chair will submit the request. The gentleman from Tennessee asks that he be allowed to use fifteen minutes of the three hours. Is there objection? [After a pause.] The Chair hears none.

Mr. DOCKERY. Now, I want to give notice that at the end of three hours we want a vote this afternoon.

Mr. DINGLEY. Do I understand that the Chair treats the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] as not yet before the committee?

The CHAIRMAN. The Chair so held for the present.

Mr. ENLOE. Mr. Chairman—

Mr. EVERETT. A parliamentary inquiry, before the gentleman begins. Should not all the paragraphs on the Civil Service Commission be read from the desk before debate begins? That has not yet been done.

The CHAIRMAN. The Chair thinks they ought to all be read for information, and the Chair will then want all the amendments proposed to the different paragraphs and the points of order against them, or it will involve us in inconsistencies and difficulties unless the time be apportioned to the different paragraphs in some way. If we spend the whole three hours on the first paragraph, gentlemen will see at once they will not have an opportunity of speaking to amendments to those paragraphs. The Chair suggests that, if the committee will agree to it, a division be made of the time on the three paragraphs, giving an hour's debate to the consideration of each paragraph.

Mr. ENLOE. I have no objection to the consumption of the time, provided it does not come out of my time; and I will sit down and wait, if necessary, until an agreement is reached.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the entire part of the bill relating to civil service may be read, and all the amendments and substitutes be put in before the counting of the time begins.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the two remaining paragraphs relating to the Civil Service Commission be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The clerical force now detailed to the Civil Service Commission from the several Executive Departments shall hereafter be under the direction and control of said Commission as fully as if they were appropriated for thereunder, and the appropriations for their compensation made in this act shall be transferred to and disbursed under the Commission; and for the fiscal year 1896 estimates for the salaries of said clerical force shall be submitted under the Civil Service Commission and omitted from the estimate of the several Departments on whose rolls they are now carried.

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$6,000.

Mr. ALDERSON (at the end of the second paragraph). I make the point of order on that paragraph, Mr. Chairman.

The CHAIRMAN. The Clerk will complete the reading.

The Clerk completed the reading as above.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, my substitute is in order, the entire paragraph having been read, and I offer it.

Mr. ENLOE. The gentleman got permission by unanimous consent to have his substitute read simply for information.

The CHAIRMAN. That was all.

Mr. WILLIAMS of Mississippi. I asked unanimous consent that it might be read, in order that the amendments and the substitute, the entire matter, might be before the House and open for discussion, and so stated when I made the request.

The CHAIRMAN. The gentleman is correct in that; but it is impossible to have a half dozen amendments all pending at once to be voted upon.

Mr. WILLIAMS of Mississippi. I understand that, but my substitute is now in order.

The CHAIRMAN. It is not in order under the view of the Chair, because the amendments themselves are not in order to be voted on at this time.

Mr. WILLIAMS of Mississippi. Then I would like to know, as a matter of parliamentary information, when it will be in order.

The CHAIRMAN. It will be in order when they are read to be voted upon.

Mr. ENLOE. The gentleman can have his amendment read for information and can debate it, and then he can have it voted upon afterwards.

Mr. WILLIAMS of Mississippi. Then I ask that it be read.

The CHAIRMAN. It has been read.

Mr. ENLOE. The gentleman can have it read in his own time, not in mine.

Mr. ALDERSON. Mr. Chairman, I would be glad to have my amendment read.

Mr. CANNON of Illinois. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON of Illinois. I understood some gentleman to make a point of order on the second paragraph, from line 18 to line 3, on page 21. Is that point of order now pending?

The CHAIRMAN. The point of order will be considered as pending when we come to vote on the paragraph. The point has been made, and it will be acted upon when we come to consider that paragraph.

Mr. ENLOE. Now, Mr. Chairman, can I have the floor?

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. ENLOE. Mr. Chairman, I have offered this amendment to strike out this appropriation because I do not know of any other way in which we can reach this Civil Service Commission. I regard the present Civil Service Commission as a Republican, Peck-sniffian, political machine. [Laughter.] The present civil service system is better adapted to a despotic government than to a free republic. Its tendency is to make office-holders political cowards, who will surrender the right of free thought, and free speech, and free political action for the sake of office. I will show before I conclude how the Civil Service Commission has attempted to stifle free speech among office-holders and is constantly interfering with the political rights of Government employees in the classified service.

This law was enacted for the purpose of keeping Republicans in office, and it has been so administered as to keep Democrats out. Every step that has been taken to extend it, while it has been taken in the name of "a decent public service" and in the name of "reform," has been a step to still further extend the protection of the Government to Republicans in office and to exclude Democrats. I believe I might make some slight exception to this statement.

Under the former Administration of President Cleveland there was an effort made to extend the service on strictly non-partisan lines, and in one instance I believe that effort was successful; but when it came to the Railway Mail Service, one of the most important branches of the public service, and when an effort was made by President Cleveland in the closing hours of his Administration to extend it to that service, by some means, which up to the present hour has not been understood or explained, the date for the order to take effect was changed, so that instead of becoming operative on the 15th of February, 1889, it was to take effect the 15th day of March, 1889.

Mr. CRAIN. I have always understood that President Harrison suspended the order of President Cleveland.

Mr. ENLOE. The order was to take effect on the 15th day of March, but in the meantime the Administration changed, and when President Harrison came into power he suspended the order of President Cleveland and extended the time until the 1st day of May, 1889. That was done upon the representations of Mr. Lyman (who at that time alone constituted the Civil Service Commission) that they could not prepare eligible lists so as to carry the order into effect within the time prescribed by President Cleveland. Mr. Lyman, who is to-day occupying a position on the Commission, was then its only member. Commissioner Edgerton had been removed and ex-Governor Thompson appointed in his place. The Senate delayed Thompson's confirmation for several months. This left Lyman alone, and in a position to serve the Republican party, and he did it. I do not know what he claims to be in politics, but I do not think it makes any difference what his claim may be, there is no doubt that he is Republican. There is no doubt that Mr. Roosevelt is a Republican.

A MEMBER. How about the other one?

Mr. ENLOE. They have another gentleman there who is said to be a Democrat. He has no political power. This Commission, if it can not be made Democratic under a Democratic Administration, ought to be abolished; but, as I can not get it abolished, I want to emasculate it so that it shall not be able to do any more harm.

I maintain that there is not a single office in this Government from the Presidency down to a laborer that the Democratic party can not furnish a hundred men who will fill it well. I consider it a standing reflection on the Democratic party for a Republican to fill any political office under a Democratic Administration. If Democrats can not be found fit to fill the offices we ought to confess an inability to run the Government, and turn it over to a party that has the ability to do it.

Mr. BOATNER. The gentleman was referring just now to the suspension of the civil-service order so far as it applies to the Railway Mail Service. Can he state the method which was adopted in making removals and filling vacancies during the time that the order which President Cleveland had issued was suspended?

Mr. ENLOE. I am coming to that. That order, upon the representation of this man Lyman, was suspended until the 1st day of May. In the meantime the force of the office, instead of being occupied as it might have been in preparing an eligible list, was employed upon other work, so as not to hasten this work and to furnish President Harrison with an excuse not to put this law into operation earlier than the 1st of May. That was the scheme. Mr. Lyman was a party to it. The record, I think, will bear me out in saying that he was a party to this scheme to suspend the execution of that order long enough to enable the Republican Administration to turn the Democrats out of office and put Republicans in.

I will invite the attention of the committee to what Mr. Cum-

ming says about it. Mr. Cumming is now promotion examiner in the Treasury Department; and he makes this statement in a recent interview in the Washington Post:

"On March 11, after more than two months of dilly-dallying, and four days before President Cleveland's order should have taken effect, President Harrison was informed in writing by Mr. Lyman, the sole Commissioner, that it would not be possible to have the list of eligibles ready before May 1. I was, during that entire period and for a year and a half thereafter, chairman of the central board of examiners of the Civil Service Commission. I was away on leave and holding examinations from Virginia to Texas, inclusive, between January 1 and about March 20. I had examined at least a dozen Texans and a lot of Tennesseans for the Railway Mail Service, and other examiners had held examinations in other States. On my return to Washington, some time late in March, I found that no effort had been made to mark any of these papers, and that the marking of the regular departmental papers was way behind hand."

"You got at them at once, of course?"

MR. LYMAN'S BUSINESS METHODS.

"Not by a decided majority. The board was always subject to the orders of the chief examiner, W. H. Webster, so far as concerned the work to be done. Although—not to speak of the railway mail papers—the work on the regular departmental papers was greatly in arrears. I found that he had ordered one of the most efficient members of the examining board to rearrange the old examination papers in the Commission's vault, and to make selections from them for publication in the next report of the Commission, which would come out late in the summer or fall."

"Two or three other members of the board were put at work getting up examination questions for candidates for the position of post-office inspector—a business that could have kept without spoiling for two or three months. One or two others were sent out on examination trips, and during most of this time we were ordered to mark the departmental papers, giving them the preference over the railway mail. I do not often indulge in herculean tasks, and never take a pride in work for its own sake; but if I had not got two or three members of the board switched off on these railway mail papers with me, and had not put in full time week days and Sundays during the month of April, I believe Mr. Lyman would have been in a position to state to President Harrison that the classification could not go into effect until June 1."

"You saved your distance, however, didn't you?"

CIVIL SERVICE AS MR. LYMAN SEES IT.

"Yes. But by this time the deed had been pretty effectually done. A few days after Mr. Lyman told us that, according to his information, out of 4,500 clerks in the Railway Mail Service, the Democrats had, on retiring, left 1,500 Republicans in office; that now, in May, the Republicans had left 1,500 Democrats in office; and that he thought that was about fair. In other words, after six weeks of Republican rule, there were as many Democrats left in as there were Republicans left in after four years of Democratic rule."

"Did that strike you as indicating a partisan leaning on his part?"

"At least, it sounded as if, while constituting the entire Civil Service Commission, more than two out of three of him were adherents of the same party."

"But it seems from Mr. Roosevelt's letter that 2,300 Democratic clerks were discharged, instead of 1,500."

"In all probability," remarked Mr. Cumming, "that was all there were."

"What became of Morgan, the clerk who undertook to inform Mr. Cleveland that his order wouldn't take effect on time?"

"He was degraded from the position he held as stenographer and certification clerk to that of typewriter; was compelled in consequence of his treatment to get a transfer to the Bureau of the Mint at a loss in salary of \$300, and his place was illegally filled with a Republican clerk, who didn't possess the qualifications called for in the appropriation bill."

THE PENALTY OF TRUTH.

"Another Democratic clerk, who had made himself offensive by outspoken remarks on the Commission's active coöperation with Clarkson's raid on the Railway Mail, was treated in an even more insulting manner, and was offered the alternative of discharge from the service or the acceptance of a position in the War Department—to which he was highly recommended by the Commission—at a loss in salary of \$400. I may remark right here that in a year from that time the first clerk was promoted by the Republicans in the Treasury Department to a clerkship of \$1,800—the grade he had lost, and that the second attained almost the highest, if not the very highest, mark for efficiency among those of his own grade in the Adjutant-General's Office."

"I see, Mr. Cumming that Mr. Roosevelt says in his letter that the discharged Democratic mail clerks 'who were honest, capable men,' have now, five years after their discharge; undoubtedly secured places where they are at work at good salaries."

"Instead of 'undoubtedly,'" replied he, "why didn't he say 'certainly'?" Why didn't he add that he knew of his own knowledge that these good salaries were paid with exact regularity during the panic and starvation times of the past and present years? Why didn't he observe that this was particularly true throughout the Southern and Western States, where many of these discharged Democrats resided? These victims of a civil-service reform Administration might at least be spared the additional infliction of such ridicule as this."

This is the testimony of the man who at the time held the position of chairman of the central board of examiners, and his statements, I am informed, are borne out by the records.

Look upon this lovely picture of sweet-scented civil-service reform. One Civil Service Commissioner acting as a Commissioner when the law required three. The Commission, three-thirds Republican when the law limited partisanship to two-thirds. A political Pharisee proclaiming himself a civil-service reformer, and deliberately conniving at the removal of Democrats and the appointment of Republicans, and commenting favorably on the justice of turning out two or three thousand Democrats for political reasons.

Think of a nonpartisan civil service under such an official. Think of such a man as the representative of the Democratic idea of civil-service reform. Such civil service stinks in the nostrils of every Democrat in the land. I repudiate and denounce such civil service as a cheat and a fraud. It is not the civil-service reform demanded in the Democratic platform, and if the advocates of the system will offer nothing better, I

propose to do what I can to kill this by starving it to death. According to Mr. Roosevelt, only 2,300 of the Democratic clerks were discharged by the conspiracy between Lyman and the Harrison Administration, and Republicans put in their places, without examination, and many of them without merit.

Two million dollars in salaries was taken from the Democrats and given to the Republicans by this act. Mr. Roosevelt himself denounces this proceeding as an outrage; but rushes to the defense of the men who connived at it and made it possible. The Committee on Civil Service Reform in the Fifty-first Congress investigated, after a fashion, the Civil Service Commission, and they gave Mr. Roosevelt and Governor Thompson a good character as officials, but they did not furnish Mr. Lyman with the much-needed article, and Mr. Roosevelt can not now successfully interpose his character to shield Mr. Lyman. He only risks his own reputation and gains nothing for Mr. Lyman.

Mr. Chairman, I desire to have read as part of my remarks a memorial from the association of discharged postal clerks. It throws some light on this subject.

Mr. HUDSON. The gentleman will allow me to say that what he states was true in regard to the railway postal clerks in Kansas. The order was suspended long enough to enable all except Republicans to be turned out; and then it was declared in force.

Mr. ENLOE. That was true in all the States. They made almost a clean sweep in the Southern and most of the Western States, and I suppose they did through the East.

The Clerk read as follows:

NORWALK, OHIO, May 15, 1893.

To the Hon. BENJAMIN A. ENLOE:

On February 14, 1893, the Democratic ex-postal clerks of Ohio, assembled in convention in the city of Norwalk. The purpose of this gathering was to expose the violation of the spirit and letter of the civil-service regulations as extended to cover the mail service by President Harrison in the wholesale discharge of Democratic clerks of high proficiency, integrity, and experience, to make room for Republicans. In the ninth division of the Railway Mail Service, composed of the Lake Shore and Michigan Southern Railway, the New York Central, and their branches in New York, Pennsylvania, Ohio, Indiana, and Illinois, at the close of the Democratic Administration, the Republican employes still exceeded the Democratic ones in number by some three or four.

At the close of the following Republican Administration, so clean had been the sweeping of all civil-service restrictions in the matters of removal that of a total of 700 clerks in that division, Ohio had left of Democratic clerks only 8, and the other States a proportion no better. Our convention therefore addressed a memorial, and cited to you the following facts: The election of Hon. Grover Cleveland to the Presidency of the United States and the reestablishment of Democratic principles as the public policy of this Government, assured by the firm and unflinching adherence of the Administration to those principles, is a matter of universal congratulation.

Pledged to secure the highest efficiency in all departments of the Government, with the greatest degree of economy consistent—a pledge given not only by the public utterances of the President, but by the national platform and the authorized declarations of party leaders and papers—the public looks to the reinstatement of those faithful and efficient officials removed in order to furnish places for men whose only recommendations and qualifications were services of an offensively partisan character as the surest, safest, and quickest means of securing that desired efficiency. During the first Administration of the Hon. Grover Cleveland the United States Railway Mail Service did not come under the civil-service regulations in fact, though in practice it was so treated, as less than 50 per cent of Democrats were in the service at the close of it.

During this time an order was promulgated placing the service under civil-service restriction, to go into effect after a certain time. Before that time arrived, the succession of President Harrison to the Administration occurred. This order was totally disregarded by the extension of the time of its going into operation and the unbecoming haste evinced to remove Democratic clerks, regardless of their proficiency and faithfulness, in order to reward political services, to the ruinous crippling of this department of the postal service. So general and so vigorously pursued were these practices that less than 15 per cent of Democratic clerks remain at the close of the Administration. Hence we declare it to be the sense of the Democratic railway postal clerks that any law which by its flagrant and shameful violation results in turning out efficient and faithful public servants of whatever political faith, and by its enforcement by another Administration is made to keep them out solely because of their political convictions is a farce and a mischievous fraud.

We believe that should radical steps be taken to undo the injury done in the name of party to the service, and to reestablish the just proportion, whereby the ascendant party should have its ratio of members in the service, it would be applauded by all, as an act designed to secure the highest efficiency of the department to do justice to true merit, as well as to gratify the universal sense of fair play. In calling your attention to these great wrongs we beg your candid consideration of them, expressing our firm faith in your sense of justice and your patriotic and sincere desire to do that which shall be to the best interests of the service, and we most respectfully petition you to use all honorable means for the reinstatement of these clerks, whose removal was brought about for political reasons, and whose experience, faithfulness, and ability are deserving of recognition.

Most respectfully,

C. P. VENUS, Chairman, Norwalk, Ohio.
P. C. MAHAN, Secretary, Norwalk, Ohio.
P. C. MAHAN, Norwalk, Ohio.
GEO. M. WEST, Ridgefield, Ohio.
F. C. BREEN, Cleveland, Ohio.
C. P. VENUS, Norwalk, Ohio.
P. T. MCNERNEY, Sandusky, Ohio.
JOHN SULLIVAN, Toledo, Ohio.
Committee on Resolutions.

Mr. DINGLEY. I suggest that we ought to have the signatures which are attached to that letter.

Mr. ENLOE. I am going to have them all printed in the RECORD.

Mr. DINGLEY. As I understand, this is simply a statement of Democratic ex-officials.

Mr. ENLOE. It is the statement from the association of discharged railway postal clerks.

Mr. HENDERSON of Illinois. Will the gentleman from Tennessee allow me to ask him a question?

Mr. ENLOE. Certainly.

Mr. HENDERSON of Illinois. Is it not true that a very large percentage—in fact nearly all—of the Republicans who were holding positions as railway mail clerks were turned out under Mr. Cleveland's Administration, and that this order of his was not issued until just before he retired from the Presidential office?

Mr. ENLOE. I will state, Mr. Chairman, in answer to the gentleman's question, that such is not the fact.

Mr. HENDERSON of Illinois. I want to say this—

Mr. ENLOE. Wait a moment. I do not want the gentleman to make a speech in my time. I say that about 50 per cent of the postal clerks throughout the United States, at the time that order was promulgated, were Republicans, and about 50 per cent Democrats. There was as nearly as possible an equal division. But immediately on a change of Administration, by means of this fraudulent subterfuge of the Civil Service Commission, with the concurrence of the Administration, they suspended that order, discharged these Democratic clerks, and put Republicans in their places; and then they allowed the law to go into effect. So that to-day there are only about 15 per cent of the railway postal clerks of the United States who are Democrats, when there ought to be at least one-half, and would have been but for this act of injustice.

Mr. HENDERSON of Illinois. If the gentleman will allow me just one word, I want to say that, so far as my own district is concerned—

Mr. ENLOE. The gentleman can make a statement in his own time in regard to his own district.

Mr. HENDERSON of Illinois. There was hardly a Republican left in the service.

Mr. ENLOE. Well, if I had my way there would not be one left in a political office to which a Democrat could be appointed.

Mr. HENDERSON of Illinois. I know there would not be.

Mr. ENLOE. If I were President, that order having been executed in the manner in which it was under a former Administration, I would revoke it and place these men back where they ought to be, and turn the Republicans out and put Democrats in their places, until the wrong was righted.

Mr. QUIGG. Will the gentleman allow me to ask him a question?

Mr. ENLOE. I will not. Commissioner Roosevelt, who I have no doubt is an excellent gentleman, but a very strong Republican, as bitter a partisan as there is in the United States, is a member of the Civil Service Commission, and he says that these discharged Democrats who formerly were clerks have, after this long lapse of time, obtained no doubt good positions where they are drawing good salaries to-day, and that they do not want to return to this service.

That gentleman, if he knows anything about the condition of affairs in this country, knows that thousands of men are to-day without lucrative employment, and would be glad to accept positions in the Government service, and these discharged Democratic clerks are no exception to the rule. Some might not find it desirable or profitable to reënter the service, but the great majority would. They ought to be eligible, and they ought to be restored. The wrong, Mr. Chairman, that was done to them ought to be righted. If I were the President of the United States I would see to it that it should be righted without any legislation of Congress.

Mr. BOATNER. Will the gentleman allow me a suggestion in that connection?

Mr. ENLOE. If I could get time enough I would be very glad to yield to all interruptions; but my time is very limited, and there are many things that I will not be able to present now that I had desired to submit.

I have a statement here from the Washington Post of July 29, 1893, which I want to have read for the information of the House. It is a statement from Commissioner Roosevelt, which shows that his partisan bias is so strong that he can not even give the facts as they are in regard to the classified service.

The Clerk read as follows:

THE PLACES EQUALLY DIVIDED—COMMISSIONER ROOSEVELT SAYS THERE IS NO NEED TO "EVEN UP" PATRONAGE.

Civil Service Commissioner Roosevelt, discussing yesterday the current changes in Departments, said:

"I am not in sympathy with the outcry for wholesale dismissals from the clerical force in the Departments in order to 'even them up' between the two parties. The published statement that 90 per cent or any such propor-

tion of the clerical force in the Departments in Washington is Republican is all nonsense.

"There are in the departmental force about 8,600 persons, all told, who are subject to competitive examination. Of these about 4,000 now in office have been put in through the examinations of the Civil Service Commission, wholly without regard to political considerations, and are probably about evenly divided between the two parties. The remaining 4,600 represent those still in office from among the 6,000 who were originally classified in 1883, by order of President Arthur, and are mainly Republicans. They also represent the 2,000 who are included in the classification of 1888, by order of President Cleveland, the great bulk of whom are Democrats.

In addition to this there are about 1,400 excepted places, such as chiefs of division, private secretaries, and the like, and 2,000 laborers and others below the classified service, the great majority of whom are changed with each Administration. In the Railway Mail Service there are about 7,000 places. Here also the parties are on a practical equality. About 89 per cent of Republicans were discharged between 1885 and 1889 and Democrats put in their places."

When Mr. Roosevelt made this statement he must have known that at least 85 per cent of the people in the classified service were Republicans. It would impeach his intelligence to believe that he thinks there is anything like an equal number of Democrats and Republicans now in that service.

Now, Mr. Roosevelt, who assumes to speak from a thorough knowledge of the subject, says that there are 8,600 persons subject to competitive examination in the departmental service. I quote here from the report of the Civil Service Commission submitted to the Fifty-second Congress at its second session, showing that at that time in the departmental service there were 10,048 persons in the classified service; that there were 2,286 persons in the customs service; 23,058 in the Post-Office service; in the Railway Mail Service that there were 6,708 persons, and in the Indian service 641, or a total of 42,741 persons in the classified service. The Democrats have succeeded in getting about 15 per cent of those in the departmental service out of a total of 10,048; and the average is not much higher throughout the whole classified service.

In regard to the percentage of Democrats in the customs service I suppose that it was about 15 per cent, or about the same proportion that we find running through the departmental service. In the Post-Office service in 23,058 classified employes there is probably a smaller proportion of Democrats. There was an extension of the civil service in the expiring hours of President Harrison's Administration, after he got all of the offices filled with Republicans, so as to cover in about 24,000 of his appointees who were, of course, Republicans. He extended the classified service to cover the Indian service, the letter-carriers, and the clerks in free-delivery offices. After he was defeated he gave the country an example of his idea of civil-service reform by throwing the protection of the civil service law over those he had appointed without examination. He cheated the Democrats through the aid of Lyman at the beginning of his Administration, and robbed them of the fruits of their victory at the close of his Administration by this order.

The Democrats came into power with a President and a Cabinet who had the power to fill the offices of marshals, district attorneys, postmasters, collectors, and a few consular and diplomatic places. It is a Democratic Administration under which the Republicans held and still hold most of the offices except the postmasters. I understand that Mr. Clarkson, the First Assistant Postmaster-General, sat in his office all day the day before the order covering the Railway Mail Service into the classified service went into effect, and signed up blanks for appointments and removals in the Railway Mail Service, and that some of the parties were not notified of their removals for a long time afterwards, although the orders were dated back previous to the taking effect of the civil-service order of the President.

Now, I know that gentlemen, particularly on this side of the House, have been denouncing the civil-service law to their constituents—

Mr. HOPKINS of Illinois. Will the gentleman allow me a question there?

Mr. ENLOE. I can not yield; my time is very limited.

Mr. HOPKINS of Illinois. You spoke of Gen. Clarkson. I only wish to say that he did not have charge of the Railway Mail Service at all.

Mr. ENLOE. The gentleman can address himself to that when he gets the floor.

There is another matter to which I desire to call attention. Since this Administration came into power the Civil Service Commission has been particularly aggressive; and it has attempted to bully Cabinet officers and dictate to them about the management of their Departments in the matter of reductions and promotions and removals from office. When Mr. Cumming published his interview in the Post, from which I quoted awhile ago, Mr. Roosevelt promptly came to the defense of Lyman. He was quoted in the press as saying he would not notice this subordinate, but would deal with the Secretary of the Treasury. Thereupon he complained to Mr. Carlisle in a very bold, if not impudent, letter and demanded that Mr. Cumming should be

punished for the gross impropriety of talking about the head of a Department.

Lyman, it seems, is in Roosevelt's estimation the head of a Department. I suppose he considers himself at least one-third of the head of a Department. His office is growing on him. It is on an equality, in his estimation, with the head of any Department, if not the superior.

He wanted Mr. Cumming disciplined or discharged. It is in Mr. Roosevelt's opinion a misdemeanor, if not a high crime, for an officeholder to tell the truth about a matter affecting the public interest. It is treason to civil-service reform to expose the conduct of its chief executive officer in a crooked political transaction.

Mr. Roosevelt wants to terrorize Government employes into silence, and draw a veil of secrecy about the Civil Service Commission which will more effectually shield it from exposure in wrongdoing. If Government employes could be given to understand that the Civil Service Commission can have them discharged on demand for every criticism or expression about public matters or public officials, the Commission could enjoy an immunity from exposure in double-dealing and favoritism which would no doubt be very gratifying. Mr. Roosevelt, it appears, would have officeholders take off their hats to the name of the Civil Service Commission every time it is spoken, under penalty of official decapitation; and none of them would dare speak above a whisper, lest the spy or the informer should cause the sword of Damocles to drop upon their necks at their desks.

Mr. Carlisle refused to discipline, degrade, or dismiss Mr. Cumming. He told Mr. Roosevelt that Mr. Cumming's statement was prepared outside of office hours when he (Cumming) supposed he was in the full enjoyment of all the rights which belong to any citizen.

Mr. Roosevelt would do well to keep in mind Mr. Carlisle's reply. He may put locks on the mouths of men in the classified service during office hours, but after office hours they are as free as any other class of citizens.

Mr. Chairman, as another instance of the arrogance of this Commission, I invite your attention to their conduct in the Gaddis case. Gaddis was a Republican clerk in the office of the Register of the Treasury. Mr. Tillman, the Register, for good reasons, recommended that Mr. Gaddis be dismissed from the service. The Secretary dismissed him. Gaddis appealed to the Civil Service Commission to have himself restored. The Civil Service Commission conducted a lengthy correspondence with the Secretary of the Treasury over the Gaddis case, insisting that his removal was for political reasons, and claiming the right to review his action. The Commissioners were furnished with the reasons for the dismissal of Gaddis, as shown by the following papers which were before them, but the Secretary all the time maintained that the Commission had no right to interfere with the duties of a Cabinet officer, or even to inquire into it.

Mr. Harry Westfall, attorney at law, Ohio Bank building, corner Twelfth and G streets, says:

From my knowledge of the reputation of Eugene E. Gaddis, late a clerk in the office of the Register of the Treasury, I can state that I know him to be a confessed liar, and that I would not believe him under oath. I have known him personally since 1883, and was in the same office with him from 1886 to 1889.

Mr. Westfall made oath to the above statement, and said that he had repeatedly called upon the Register in July, 1893, and preferred charges against said Gaddis; that the conversations were regarding Gaddis's character as a man and a clerk; that all and more than stated in the above communication now on file and signed by him were verbally said, and that he further desired to state that the above statement in regard to Gaddis's character was of his own volition and without solicitation on the part of the Register.

H. C. Pearson, ex-Union soldier, lieutenant in the Army of the Potomac, and assistant chief of the receipts and expenditures division of the Treasury Department, certifies:

From December 19, 1892, to February 20, 1893, Mr. Eugene E. Gaddis was employed in this division and his work came under my immediate supervision. I found him indifferent, inefficient, and careless as to his work. He made reckless statements concerning himself, which had the effect of producing the impression in the minds of seventeen clerks in the room that his work could not be relied upon. I consider him thoroughly unreliable and an unfit person to hold any position of trust under the Government.

Charles J. Brown, a bookkeeper in the Treasury, certifies of Mr. Gaddis:

I believe him to be thoroughly unreliable and untrustworthy. I have known him for several years, and have always found him to be unscrupulous and untruthful. I would have to be in possession of strong corroborating evidence before I would believe any statement emanating from him.

From my experience with Mr. Gaddis, I know there is nothing too mean, low, or contemptible to which he would not resort in opposing anyone whom he thought in this way or might be any trouble to him in his own aggrandizement. He is very profane, loud-mouthed, and obscene in his talk.

Samuel Baxter, an old and honorable ex-Union soldier, who

has a high standing for many years in the Treasury Department, certifies:

For several months between July, 1888, and the early part of 1890 I was employed in a room with Eugene E. Gaddis in the office of the Second Auditor. He was of an overbearing, quarrelsome disposition, very loud and boisterous, which was at most times indecent and profane. His presence was a constant disturbing element in his room.

August Henkel, Union veteran and clerk in Second Comptroller's Office, certifies:

I am acquainted with Eugene E. Gaddis, formerly a clerk in the office of the Register of the Treasury.

Gaddis was first in the Second Auditor's Office, and was subsequently detailed to the Second Comptroller's Office, and while in the latter office he occupied a room with me and one other clerk. While in this room he made himself very obnoxious by his boisterous and extremely vulgar talk and seriously delayed and hindered the work in the room. His blackguardism knew no bounds. He became so intolerable that I frequently left the room, unable to work, and on several occasions I was forced to appeal to the Deputy Comptroller, Mr. Hartshorn, for his interference to put an end to his low, vulgar talk.

Later on he succeeded in getting transferred to the Register's Bureau for the purpose of securing promotion. While there he succeeded in securing a detail to the departmental examining board, and was then promoted over the heads of old and honorable soldiers, who had been in the Department for years, and were in every way his superior. This examination and promotion was had over the protest of Gen. Rosecrans, the Register, and created great dissatisfaction at the time among the employes of the Department.

I consider it a misfortune for any respectable person to have to come in contact with this Eugene Gaddis officially, socially, or otherwise. I have often wondered how such an unscrupulous and contemptible fellow managed to not only be tolerated in the public service, but, worse than that, to be promoted several times over the heads of decent, able men and women.

Mr. Roosevelt still contended that the commission had the right to inquire into the cause of Gaddis's removal, and to have him reinstated on the ground that he was removed for political reasons. Mr. Carlisle was unyielding, and firmly planted himself on the law of the case. Gaddis, acting no doubt under the advice of the Commissioners, or Mr. Roosevelt, determined to appeal to the courts and make a test of his case. He accordingly filed a bill in the supreme court of the District of Columbia to compel the Secretary of the Treasury to reinstate him. Judge Bradley, an extreme partisan, delivered the opinion of the court, and injected into it his opinion of the facts, which he evidently took from the statement of Gaddis. I will quote the opinion as an authority on the law of the case:

THE OPINION OF JUDGE BRADLEY DISMISSING THE PETITION FOR A WRIT OF MANDAMUS OF EUGENE E. GADDIS.

I would prepare a written opinion in this case if it were not for the question of economy of time and expenditure of labor in the careful preparation and decision of the questions that are involved in this application for mandamus. But inasmuch as I do not care to hear from the counsel for the respondent, it appears to be hardly necessary to go to that trouble, and I will determine the question now with such few remarks as may be necessary.

It goes without saying, I trust, that my sympathies naturally would be with a man who has been removed under the circumstances from a responsible position under the Government without any show of cause, if I understand the return that has been made here. He was removed, as it was stated, on the ground of economy and efficiency of the service.

That might cover a good deal. It might cover a mere fiction of the imagination, or it might cover nothing. I have not any doubt, from the showing that is made here, that the relator was a man who, by his own merits, had ascended from the lowest grade within the civil service, the classified service, to fill the position of a fourth-class clerk. I have not any doubt that his services have been of great use to the Government; that by long years of experience he had become so efficient that he deserved retention. Nor have I any doubt that the Executive Department of the Government in which he was rendering this service, having due regard for the efficiency of the service and disregarding political influence, would naturally have retained him in the position which he filled.

It appears to me to be beyond peradventure that he was removed from his position at the instance of the Register of the Treasury, named Tillman—I forget his first name—in order that, by the creation of a vacancy, some one else might be appointed; that he was removed because of political opinions; that he was removed because he was not in sympathy with the politics of the present Administration; that he was removed because he would not say that he was, or that he would become a Democrat. Of all this I have not the slightest doubt, and yet the difficulty with his application appears to be that I do not see any position of the law under which the right of the Executive to exercise his will and pleasure in the removal of incumbents in the executive offices, has been curtailed by the civil-service law so as to make it apply to the particular reasons which were the ground of the removal of the relator.

The right of the relator to the office which he filled necessarily, in my judgment, is absolutely dependent upon the tenure of the office. If the tenure of his office was at the will and pleasure, or at the will and discretion of the executive officer under whom he held office, then at any time that executive officer had the right to remove, with or without reasons, provided he does not violate the civil-service law, which is the only provision of Congress that curtails or abridges the right of removal. As the Supreme Court of the United States held, in *Ex parte Hennen*, 13 Peters, the case to which I had occasion to refer in the application of Pulaski for mandamus, Mr. Justice Thompson delivering the opinion:

"All offices, the tenure of which is not fixed by the Constitution or limited by law, must be held either during good behavior or (which is the same thing in contemplation of law) during the life of the incumbent; or must be held at the will and discretion of some Department of the Government, and subject to removal at pleasure."

In all these Departments power is given to the Secretary to appoint all necessary clerks (1 Story, 48); and although no power to remove is expressly given, yet there can be no doubt that these clerks hold their offices at the will and discretion of the head of the Department. It would be a most extraordinary construction of the law that all these offices were to be held during life, which must inevitably follow unless the incumbent was removable at the discretion of the head of the Department; the President certainly has no power to remove. These clerks fall into that class of inferior officers, the appointment of whom the Constitution authorizes Congress to vest in the heads of the Departments.

In that case (Pulaski) the court held—

"Beyond all controversy, it is within the power of Congress in providing offices within the Executive Departments, and in providing for the appointment of persons to those offices, to fix and define the tenure of the officeholder, to make it for a term of years or otherwise, and to limit and abridge the power of the heads of the Departments as to removals, or to abrogate that power entirely. In this case the question is, has Congress limited or abridged the power of removal that is conceded to be vested in the executive officer unless otherwise provided by law?"

Now, the question in that case is whether Congress has limited or abridged that power in the head of a Department which exists, as the Supreme Court expressly says it existed, and as it has been generally understood throughout the country that it has existed since the time of Andrew Jackson—I believe that was the first Administration in which removals for political reasons were first indulged in.

Now, the question necessarily is as to what extent has Congress abridged the right of the head of an Executive Department to remove employees of that Department by the civil-service law; for that is the only act of Congress that curtails or abridges the generally conceded power of the executive head of a Department to make removals.

This act of Congress of 1883, which I will term the civil-service law, provides that the Civil Service Commission which is contemplated in that act, shall assist the President of the United States in promulgating rules for the purpose of carrying into effect the provisions of the law. Such rules were promulgated, and it is contended in argument, and I believe from my examination of them in the Pulaski case, that the only rule that would apply to the right of the relator in this case is General Rule No. 1. The only sections that are claimed to abridge this right of the head of a Department to make removals are subdivisions 5 and 6 of section 2 of the law. Subdivision 5 is this:

"That no person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and that he shall not be removed or otherwise prejudiced for refusing to do so."

"Sec. 6. That no person in said service shall use his official authority or influence to coerce the political action of any person or body."

This act is made a penal act as to some of its provisions but not as to this.

General Rule No. 1 reads:

"Any person in the executive civil service who shall use his official authority or influence for the purpose of interfering with an election or controlling the result thereof; or who shall dismiss, or cause to be dismissed, or use influence of any kind to procure the dismissal of, any person from any place in the said service, because such person has refused to be coerced in his political action, or has refused to contribute money for political purposes, or has refused to render political service; and any officer, clerk, or other employee in the executive civil service, who shall willfully violate any of these rules, or any of the provisions of sections 11, 12, 13, and 14 of the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883, shall be dismissed from office."

As I understand subdivision 6, of section 2, and this General Rule No. 1, their provisions do not at all relate to the tenure of office of the employee, but they relate to the duty of the officers in the Department with reference to the use or exercise of their influence for the purpose of injuring any other employee in the Department on political grounds.

General Rule No. 1 is broader, perhaps, in its scope than subdivision 5 of section 2. Subdivision 5 of section 2 provides that no one shall be removed for refusing to render any political service, or refusing to contribute to any political fund—that is practically the substance of it—while General Rule No. 1 imposes the penalty of dismissal from office upon any officer in the executive civil service who shall use his official authority or influence to procure the dismissal of any person because he has refused to be coerced in his political action, or has refused to contribute money for political purposes, or has refused to render political service.

To the extent of reference to the attempt to procure the dismissal of any person because such person has refused to be coerced in his political action, this section relates entirely to the duty of officers employed in the Departments with reference to the official position of any other employee, and does not relate to the head of a Department. By its very terms, it appears to me it necessarily excludes the head of a Department. "Any officer in the executive civil service" (quotes the rest of General Rule No. 1). That, I do not think, could be properly applied to a member of the President's official family.

But, as I have already intimated, that does not relate to the tenure of office of the party whose political action has been sought to be coerced, but it imposes a penalty upon the party who seeks to coerce. It is not plain in this case that the relator was removed because he refused to be coerced in his political action. Whether the language of General Rule No. 1, in the use of the words "refuse to be coerced in his political action," is broad enough to cover the case of a man who declined to say he is a Democrat or he is a Republican, I think is very doubtful. But whether it is or not, it appears to me to be clear that this section does not apply to the tenure of the office of the relator or any other employee in any of the Executive Departments.

Whatever may have been the intention of Congress in the enactment of the law, the courts must take it as it is found and construe it according to the language that is used; and when Congress in express terms limits the power of the head of an Executive Department as to removals solely to the extent of indicating that no man must be removed because he refuses to contribute to a political fund or because he refuses to render any political service, it must be deemed that Congress intended that that limitation should be exclusive of any other, and that the general rule, that the expression of one thing is the exclusion of the other, must be applied.

If Congress had intended that no man should be removed from office because of his political opinions, it was the simplest and easiest thing in the world to say so. If Congress intended to be understood as meaning that no man should be removed from office because he refused to be coerced in his political opinions, it was the simple and easy and plain thing to say so in express language. But when Congress limits the power solely to the two instances of refusal to contribute to a political fund and of refusal to render political service, then it appears to my mind to be clear that the expression of these two limitations is the exclusion of any other.

Now, I do not doubt that Congress intended to benefit the civil service by the enactment of this law. But it is to be apprehended that the Legislature understood the apt use of words, and that it said exactly what it meant; and that, while Congress, by the enactment of the civil-service law, renders it more difficult to enter the service of the Government, by the requirements of competitive examinations and by the requirement of certain attainments in certain directions in order to fill certain positions, yet Congress at the same time apparently left the appointee under this civil-service law subject to the will and pleasure of the executive head of the Department just as fully and completely as he would have been, and as he was prior to the enactment of the law, save and except with respect to the two limitations mentioned. And it appears to me to be clear that Congress intended that the benefit of this law, so far as the retention of valuable employees in the civil service was concerned, should be left to the discretion of the Administration.

Although, apparently, it has become a difficult thing to get into the civil service, yet it is just as easy to get out as it was before the enactment of the law. To the extent that the spoils system has been abolished by the civil-service law, it is a great benefit to the civil service. To the extent, however, that Congress failed to provide for the tenure of office of appointees under the civil-service law, it appears to me that the purposes of the act are clearly abortive. Whatever may be my opinion as to the competency of the relator to fill the position that he occupied, or my opinion as to the insufficiency and inadequacy and impropriety and lack of public policy of the reasons that were given for his removal, it is perfectly clear to me that this court is without authority to interfere in this case. Therefore, without reference to the insufficiency of the return and upon the statement of the case as contained in the petition, the motion to quash will be overruled and the petition dismissed.

Judge Bradley did not look to the evidence of the unfitness of Gaddis for the position, or if he looked to it he preferred to believe Gaddis's statement against the testimony of a number of very reputable gentlemen. In addition to the statements before the Commissioners and before Judge Bradley, the Register of the Treasury had the testimony of Mr. Ray, Mr. Beatty, and Judge W. A. Milliken, the former and the latter of whom I know to be men of high character and undoubted veracity. I quote their statements as a further evidence of the propriety of Gaddis's removal, though to my mind no other defense need be made than the fact that he is a Republican.

Mr. J. E. R. Ray, chief of the loan division, certifies:

The efficiency records of the loan division show that E. E. Gaddis stood lowest of any clerk of classes 2, 3, or 4, during the nine months of his service in that division in 1892. Gaddis appears by this record to have been a clerk of class 3.

Mr. J. H. Beatty, chief, and H. C. Pearson, assistant chief of the receipts and expenditures division, Register's Office, certify:

After a careful examination and analysis of the work done upon the Treasury Journal, kept in the receipts and expenditures division of your office, by Mr. Eugene E. Gaddis, we would say without reserve that he was a careless, inferior, and incompetent clerk, as his work in this division will demonstrate upon investigation.

There has never been a book kept in this office, as a public record, showing as many defects as the book kept by Mr. Gaddis, covering the entire time he served in this division.

Judge W. A. Milliken certifies:

In regard to the conversations alleged to have taken place by Gaddis between Mr. Tillman and himself, that he was present in the Register's Office on several occasions when the said Gaddis called to see Register Tillman, and that he heard the conversations between them on those occasions, and that no such language was used and no such conversation took place as Gaddis states. In none of these conversations did Register Tillman make any propositions to Gaddis to renounce his Republicanism and become a Democrat, or make any proposition to reinstate him as a clerk on any conditions. Gaddis's whole talk was a begging appeal to the Register to get himself reinstated any way possible, urging his pecuniary condition among other things, to arouse the sympathy of the Register.

This testimony shows that Mr. Gaddis ought to have been removed for the good of the service.

More of them ought to be removed. There were 108 persons in the classified service in the Register's Office, and out of that number 103 were Republicans and there were 5 Democrats.

A great howl was raised because two of these Republicans were dismissed. The Sixth Auditor's Office is filled with Republicans, and, in fact, the Departments everywhere are full of Republicans, while Democrats are few and far between. Secretary Carlisle has incurred the especial enmity of the Civil Service Commission. They impudently ask the President to take the matter of reductions and promotions out of the hands of his Secretaries and place it in their hands. Mr. Roosevelt, in a letter reviewing the Gaddis case, says:

In view of the attitude of the Secretary of the Treasury I recommend that the Commission earnestly request the President to amend General Rule I to bring it into accord with General Rule III, section 7, making it provide for the dismissal from office of any appointing or nominating officer who discriminates in favor of or against any subordinate because of his political or religious opinions or affiliations. In connection with what has been shown in this case as to the numerous promotions and reductions in the Treasury Department, alleged with offers of proof to be for political reasons, I further recommend that the President be asked to adopt a rule authorizing the Commission to exercise supervision over promotions and reductions, and at least to provide that no discrimination for political reasons enters into them.

Mr. Roosevelt has shown a meddlesome disposition and a partisan spirit. His partisan prejudices are so strong that he ignores facts and follows his prejudices. This Commission is unfit and unworthy to supervise an honest civil service based on merit alone. It ought to be swept out of the path of true civil service reform. I hope the members of this House will starve it out, and if a better law can not be devised, let us wipe out this law and leave the matter with the heads of the Departments, who are the constitutional guardians of the interests committed to their charge. We can better trust them to give us an honest and efficient public service than trust this pharisaical Republican commission which masquerades in a nonpartisan guise.

Gentlemen on this side of the House, you have been denouncing this civil-service fraud and the outrage perpetrated upon the railway postal clerks, and you have not hesitated before your constituents to denounce the Commission itself. You have been telling your constituents who have made applications for appointments that you could not get offices for them because nearly

everything is under the civil service. You have been telling the truth about it. I venture to say that most of you have said to your constituents at the same time that you oppose the law, and that you would, if you could, wipe it out and give the offices to the Democrats. For that reason I have moved to strike out this provision of the bill, so that gentlemen may show that they want to carry out the promises they have made to their constituents.

If we are to have a civil-service law, nonpartisan in character and recognizing merit alone, let us repeal this law, wipe off the slate, and give all an even chance. Let the era of a purified nonpartisan civil service be inaugurated and carried into effect by the nonpartisan and honest President of the United States who now occupies the Presidential chair. I think he could be trusted to make a fair divide of the offices. [Laughter and applause.]

Mr. DINGLEY. Mr. Chairman, before I proceed, I will ask unanimous consent that my time may be extended to ten minutes.

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] asks that his time may be extended to ten minutes, the time to be charged to the side in opposition to the amendment. Is there objection?

There was no objection.

Mr. DINGLEY. Mr. Chairman, the motion of the gentleman from Tennessee [Mr. ENLOE], which is now before the committee, is to strike from the pending bill those paragraphs making appropriations for the maintenance of the Civil-Service Commission. Certainly this method of abrogating the civil-service rules of the Government is one that even those opposed to the civil service ought not to favor.

The civil-service act is the law of the land to-day. It affords the only machinery by which appointments to routine service in the Departments of the Government can be made. The proposition is not to repeal that law by a bill coming appropriately before the House for consideration, but to strike out from an appropriation bill the appropriation necessary to enforce that law. Such a proposition should not receive the approval of anyone, whatever may be his views with reference to the civil service. Let the question, whenever it is to be met at all, be met squarely by a proposition to repeal the civil-service laws; let it be debated thoroughly, and then let the House proceed to give its judgment respecting the same. But let not this committee for a moment entertain a proposition to strike a law of the land by refusing to make the appropriation for the purpose of carrying it out.

One word, Mr. Chairman, with reference to the civil-service law itself, although that is not now before this committee. Civil service has come to stay, whatever may be your views or mine respecting this matter. The civil-service laws of this country are upon the statute books, and they will remain there with such amendments as may strengthen them. That is the distinct judgment of the great majority of the people of this country. Whatever lax administration there may have been—whatever criticism may be made of their operation, and there may be more or less criticism made with reference to the method of enforcing these laws—yet the principle that underlies them—the principle that appointments to routine positions shall be made for merit and not to reward partisans for political work—is upon the statute book to remain, to be extended from time to time, and to-day has the support of the great majority of the people of this country.

Now, Mr. Chairman, a single word with reference to the criticism that has been made upon the extension of the civil-service rules to post-office clerks in 1889.

I need not enter into a recapitulation of the facts. The report made by the minority of the Committee on the Judiciary, upon a bill referred to that committee, briefly states all the facts, and without taking the time to read it I will insert that report in my remarks, as covering all the facts. It is as follows:

The undersigned, members of the Committee on the Judiciary, object to the passage of House bill No. 4017, and state the following reasons therefor: After the Presidential election held in 1888, and before the expiration of President Cleveland's term, he issued an order placing the Railway Mail Service under the regulations of the civil service, the rule to take effect on the 15th day of March, 1889. About the 11th of March, 1889, the Civil Service Commission, which is charged with the duty of classifying, having advised President Harrison that it was impossible to complete the classification by the 15th, and recommended an extension of time, President Harrison accordingly issued an order extending the time to the 1st day of May, 1889, at which time the rule went into full force.

This bill and report recommending its passage are based upon the assumption that the order of President Harrison, issued for the extension of the time, as above stated, "was to enable the new Administration to make changes and appointments for political reasons alone."

That this is an erroneous assumption is clearly evidenced by the order of the President and by the statement of the Civil Service Commission made in an official letter dated February 8, 1894. The statement is as follows:

"The classification of the Railway Mail Service was originally ordered by President Cleveland to take effect on March 15, 1889. It was absolutely impossible for the Civil Service Commission to complete the classification by that date, and in consequence the classification was deferred until May 1, 1889, at which date it actually took effect."

That there were dismissals between the 15th day of March and the 1st day of May, 1889, we do not dispute, but this was before the order took effect and while the old system was in force, and it will be remembered that during the Democratic Administration of 1885-'89 nearly 90 per cent of the Republican railway mail clerks were turned out and supplanted by Democrats.

The Democratic party should not complain because removals were made in 1889. It was precisely what was done in 1893 under the first six months of Mr. Cleveland's Administration. Again we quote from the letter of the Civil Service Commission of February 8:

"In 1893 the Democratic postmasters at Plattsburg, N. Y.; at Topeka and Kansas City, Kans.; at Galesburg, Bloomington, and Quincy, Ill.; at Athens, Ga., and in several other places took advantage of the necessary delay in the classification of the free-delivery post-offices to make sweeping removals among the Republican clerks and carriers in their offices and to replace them by Democrats, just before the classification went into effect. The cases are precisely parallel, and it is rank dishonesty to try to cure one and not cure the other."

If the majority here is seeking to do justice to any class of Government employes who have been dismissed from the service, then they should amend the bill and include this latter class (the carriers), and restore them to the service. It is not likely that the really meritorious clerks who were dismissed as long ago as 1889 are now out of employment, and why should we weaken a system which is sanctioned by the better judgment of all classes for the few who have been idly waiting five years for reappointment? Will the public interest be subserved by this effort of the Democratic party to return to the obsolete and disreputable spoils system?

The way to uphold that law is to sustain it now. It should be strengthened and extended in its scope and effect rather than modified. It is our conviction that the proposition to take this backward step in civil-service reform is unwise, and should the bill be passed without including the carriers and others dismissed under the present Administration it will be an extreme partisan measure which will meet with condemnation, and its effect will be most demoralizing and vicious.

CASE BRODERICK.
WM. A. STONE.
THOS. UPDEGRAFF.
GEO. W. RAY.
H. HENRY POWERS.
ROBERT A. CHILDS.

Now, a few words with reference to the amendment which the gentleman from Missouri [Mr. DE ARMOND] has given notice he intends to present, and against which I have already made a point of order.

The amendment of the gentleman from Missouri covers three points of legislation: First, that there shall be removed from the service now covered by the civil-service rules whatever clerks there may be in office from any State in excess of the number that would be apportioned proportionally to each State. That is a change of existing law, and is contrary to the principles on which the civil-service legislation is framed, and does not reduce expenditures. That of itself makes this amendment out of order.

The second provision of the amendment is that all appointments under civil-service rules shall only be for a period of six years. This does not reduce expenditures and is a change of existing law.

The third provision is that appointments shall be made by authority of the States, under some provision to be enacted by the Legislatures of the several States. That is a change of existing law, and even if it should be argued that it might reduce expenditures by striking out the Civil Service Commission, then that can apply only to that one of the three propositions which are covered by the amendment. All of the amendments are also not germane to the paragraph of the bill under consideration, which refers to the salaries of the Civil Service Commission, or even to the pending bill.

Therefore, the amendment proposed by the gentleman from Missouri [Mr. DE ARMOND] is not germane, and as to two of its provisions is not only contrary to existing law, and a change of existing law, but does not reduce appropriations. The third proposition is a change of existing law, but it might possibly be argued that it would reduce appropriations, as covering the expenditures of the Civil Service Commission.

But if there is one provision of the gentleman's amendment which is contrary to the rule of the House, then that vitiates the whole amendment and makes it contrary to the rules of the House.

Furthermore, I may say, in regard to the merits of the proposition that a more undesirable plan for appointments to the civil service of this country could not be suggested than that proposed by the gentleman from Missouri [Mr. DE ARMOND], limiting the term of service to six years, providing that there shall be removed from office any excess that any State may now have in the existing civil service, and thirdly, and most vicious of all, a provision that employes of the General Government shall be appointed by State authority, or recommended in some manner according to legislation of the several States. A more vicious proposition respecting the conduct of the business of the National Government could not be suggested.

I desire to say a single word with reference to that provision in this bill against which a point of order has been made by the gentleman from West Virginia [Mr. ALDERSON]. I have no doubt that the point of order against that provision as it stands, if pressed, is good; but I desire simply to make this suggestion in the public interest. The striking out of that amendment

would not in any manner strike out the Civil Service Commission. It would not change the methods under which appointments are already made. It would simply impair the efficiency with which the business of the Government can be carried on.

Under existing law details are made from the several Departments to the service of the Civil Service Commission—outside of those, however, that have been provided the Commission by law. The law provides for these details on request of the Civil Service Commission. There are now thirty-six clerks detailed from the several Departments in Washington for service with the Civil Service Commission. It is alleged that in the detail of these clerks the several Departments select to a considerable extent those least efficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. I would like three minutes more, to complete my statement.

There was no objection.

Mr. DINGLEY. Further, these clerks thus detailed to the Civil Service Commission dislike to remain in the service of the commission because they are out of the ordinary course of promotion in their several Departments. The result is that there is a constant struggle among these clerks to get back to the Departments with which they are connected. Not only that, but they are not under the control of the Civil Service Commission, and therefore it is impossible, under such a state of facts, to have the clerical efficiency in the service such as we should have if these clerks were under the control of the Civil Service Commission. Now, the amendment against which the point of order has been made simply provides that these detailed clerks just as they stand, or will stand on the first day of July, shall be considered as assigned to the Civil Service Commission, and under their control, for the purpose of securing the highest efficiency.

Mr. BAKER of New Hampshire. May I ask the gentleman from Maine a question?

Mr. DINGLEY. Certainly.

Mr. BAKER of New Hampshire. If the clerks detailed are the poorest clerks would it not be best to get rid of them? Why does the gentleman wish to perpetuate them in the service of the Commission?

Mr. DINGLEY. Whatever may be the fact, of course improvements would be gradually made in filling vacancies caused by changes, deaths, and resignations. But the same clerks will have a higher degree of efficiency when under the control of the Civil Service Commission than when not under their control. Now, as a simple matter of business conduct of the Government, there ought not to be any question about the propriety of the legislation that is proposed here with reference to this force of the Civil Service Commission. It does not affect the question of the merits of civil service at all. The Civil Service Commission is going on with its work. It is simply a question of securing the highest efficiency.

Now, the gentleman from New Hampshire must well know that clerks that are under the control of the Civil Service Commission, subject to them, and having opportunities for promotion there, whenever changes occur, will have an increased efficiency and do more efficient work. There can be no question about that. If it was simply a matter of administration there is no business man who would not act in the manner suggested in this amendment. But it is subject to a point of order, because it is a change in that respect of existing legislation. But, in view of the fact that it will undoubtedly increase the efficiency, I was in hopes that the point of order would not be made. If it is, of course that will end the matter.

Mr. MARTIN of Indiana. Mr. Chairman, I desire to send to the Clerk's desk and have read a copy of the bill which I now hold in my hand.

The Clerk read as follows:

A bill (H. R. 232) to limit the terms of office of employes governed by the civil-service rules.

Be it enacted, etc., That whenever any person who has held, now holds, or hereafter may hold any position in the United States, under or by virtue of any appointment made or now subject to an examination of such appointee under the rules or regulations established by the President of the United States and the Civil Service Commission of the United States, or either of them, or by any other public officer of the United States, pursuant to any law of the United States concerning the civil service of the United States for a period of four years, such person's tenure of office shall be deemed to have terminated at the expiration of such four years from the date of such appointment heretofore or hereafter made: *Provided, however,* That nothing in this act shall be construed so as to prevent the removal of any such appointee at any time: *Provided further,* That in calculating the time which any such employe has held or shall hold such term of four years, all promotions or changes of position or employment shall be included: *Provided further,* That any such appointee who has not already held for a period of four years may, on the completion of such four years, be eligible to reappointment under the civil-service rules to the same or any other such position, but such reappointment shall not entitle such person to hold longer than four years more, subject to removal at any time: *Provided further,* That any person hereafter so appointed may, at the expiration of such four years, be likewise eligible to reappointment under the civil-service rules for a period of four years, subject to removal at any time: *Provided further,*

That no such person shall be eligible to hold any such position for more than eight years: *And provided further,* That any person now holding any such position who has held the same already for a period of eight years or more shall not be eligible to longer hold after January 1, 1895: *And provided further,* That this act, so far as relates to tenure of office, shall go into effect on January 1, 1895.

Mr. MARTIN of Indiana. That is a copy of a bill I introduced in the Fifty-second Congress and reintroduced in the present Congress early last September, and it is now before the appropriate committee for consideration. I presume that under the rules of the House governing general appropriation bills this bill would hardly be proper as an amendment to the appropriation bill we are now considering. If that be true, I may say in passing that I hope this bill will be brought in the legitimate channel before the House for consideration by a report from the proper committee.

Mr. Chairman, I know not what good could possibly come from the amendment of the gentleman from Tennessee [Mr. ENLOE], for in point of fact his amendment leaves the civil-service law in operation as the law of the land. I do not see what good can come of a proposition to simply starve out the Commission without repealing the law.

Mr. LIVINGSTON. It makes the law invalid, and we get rid of the whole thing.

Mr. MARTIN of Indiana. I may not understand it fully, but I will examine it and vote accordingly. I confess that many features of the civil-service law, as it is at present administered, are not at all satisfactory. I do not believe in this system of law which enables some person, merely because he may be able to pass an examination in many questions not directed to the duties he asks to be permitted to perform, to hold on and on for years to come. For this reason I hope my bill will be enacted into law. Its enactment would cause vacancies in several thousand positions within a reasonable time, and allow them to be filled by young men and women who are seeking, and have a right to seek, places in the public service. The people voted in 1892 for a change, and I am in favor of making the change by putting in new blood and dismissing those who have held on for so many years.

I think a very proper provision is that which is found in many of our State constitutions, that a county officer, an auditor, a sheriff, a treasurer, any of those officials, shall hold office for but a limited period, and where the term is thus limited to four or eight years, there is an extra provision by which such officials are prevented from being again elected to the same office until an intervening term has been filled by someone else. This is true in Indiana, and ought to be in the United States service.

[Here the hammer fell.]

Mr. MARTIN of Indiana. Mr. Chairman, if there are not too many names on your list, I will ask for an extension for three minutes; if there are, I will not ask for it.

The CHAIRMAN. Well, there are fifteen or twenty names on the list.

Mr. MARTIN of Indiana. Then I will not ask for any extension.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that I may speak not exceeding fifteen minutes.

Mr. COOMBS. On which side?

Mr. GROSVENOR. Against you. [Laughter.]

Mr. COOMBS. If the gentleman speaks in the time of the other side, I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, the difficulty which I have labored under in discussing the question of civil-service reform, as administered by the Civil Service Commission, has been that the advocates of that peculiar and, as I think, remarkably un-American proposition and administration, have always been free to attack the opponents of the measure with epithets, vituperation, and misrepresentation. In what I have just said I do not include any member of this House, for I have heard these questions discussed here fairly and in a statesmanlike manner; but, outside of Congress, there has always come the charge that whoever criticises this system—the Civil Service Commission—is a "spoilsman" hungering for the loaves and fishes. So, when a fair statement of the objections to this system is made no good faith is assigned by these Pharisees to him who makes it, and yet, Mr. Chairman, the distinguished advocates of civil-service reform, as administered here in the United States, have exhibited to the country more rapacity, more hunger, more thirst for the spoils of office than any other set of men within my knowledge.

Mr. ENLOE. I would like to ask the gentleman if he does not think it is in the nature of an effort to breed a new party of political Mugwumps?

Mr. GROSVENOR. Well, I have observed that these gentle-

men develop a remarkable degree of adaptability to any party. [Laughter.] Not very long ago one of the high priests, absolutely one of the high priests of civil-service reform in this country, proclaimed publicly that if it were true that a candidate for a foreign mission had subscribed a large sum of money to the Presidential campaign of the successful party, with a sort of unwritten, tacit understanding that he was to be rewarded by a public office, the right thing to do, unless the stipulated reward was to be given, was to refund the money to the individual who had subscribed it, and for that purpose the most corrupt demonstration of political wrong and iniquity that this country ever witnessed was exhibited in an effort to secure a subscription to the amount of \$50,000 to wash out the stain.

We had a distinguished gentleman, an example of the very highest development of civil-service culture, who came to the city of Washington as an Assistant Secretary of State, and I venture to say that in all the history of this Republic there has never been such an illustration of rapacity for the "spoils" of office as was exhibited by that gentleman in filling the consulate and diplomatic places under this Government. So, Mr. Chairman, my conclusion has been that "civil-service reform" has covered a great many sins.

Now, what I want to say on this subject is, first, that I repel with indignation the suggestion that I stand upon any lower plane in the matter of the administration of the public offices of this country than do any of the advocates on this floor or anywhere else of this civil-service system. I believe that no man ought to be appointed to a clerical or other office in any of the great Departments of this Government who has not been examined under a competent system of examination and found to be absolutely qualified for the place. Nor should removals be made for political opinion. I would not lower the standard; I would raise it. I shall try to show that the present standard in this country is a failure, so far as successful administration goes, and I have here an official declaration to that effect which I think will be accepted, on the other side of the House at least, as competent authority.

Mr. LIVINGSTON. That authority will be taken on either side.

Mr. GROSVENOR. I would have an examination. I would have the appointment to office made solely for fitness; but I would get rid of a bureau, a system which undertakes to dominate the politics of this country and to establish a line of conditions precedent to appointment that in my judgment are un-American, undemocratic, and improper. This civil-service scheme has been running in this country for a considerable time, and I stated long ago from this very desk that it was simply a system designed to arm the party in control of the Government with the power to turn men out of office at its will, and that the system was an absolute failure upon the very lines on which its friends claim for it the highest degree of merit.

What is the claim? It has been said in this country—and substantially all the material support of this system has come from this argument—that a man could not be turned out of office because of his political opinions. It has been claimed (and we have heard the claim here) that no man ought to be turned out of any of these places because he is a Republican or because he is a Democrat. And the advocates of civil-service reform as administered in this country have been going along blindly in stupid, intolerable ignorance of the fact that they had a law with no provision in it that pretended to accomplish the purpose which they say has been achieved by the law.

I hold in my hand the decision of the supreme court of the District of Columbia which I will incorporate, if there be no objection, in my remarks, a decision in which the learned justice of that court has held the very thing which we have charged on this floor year after year and for which we have been branded as "spoilsmen;" and that is that the officers of this Government, under this law, have the right to turn out of office any man, without regard to any consideration except the will of the appointing and removing power; and that there is no power to help it. I said that myself; and for that, comment was put in motion all over this country that I was a "spoilsman" and that I wanted to plunder the Treasury in the interest of corrupting the politics of the country.

Mr. ENLOE. Will the gentleman state who rendered the decision to which he has just referred?

Mr. GROSVENOR. I will in a moment. And when the proper time came, a young man from Ohio, confessedly fully competent, having committed no breach of the law; having committed no violation of the rules, was discharged from office; and when he demanded to know why, he was told in substance it was because he was a Republican. And the court decided that that was a ground upon which the appointing power might make the removal, and that the courts of the country could not inquire into that matter. And the judge who so decided was a

Republican judge, and as I understand, thoroughly imbued with the doctrine of modern "civil-service reform"—Judge Bradley of the district court of the United States for the District of Columbia. And that is the law. He was right, and I indorse his opinion and am glad it has been made.

Mr. ENLOE. I would like to state, if the gentleman will permit, that the introductory remarks of Judge Bradley, in delivering that opinion, indicate very clearly the fact that he was willing to infer a great deal in order to make it appear that the cause for this removal was a political one.

Mr. GROSVENOR. I think nobody has doubted that that was the cause. The young man has laid his case before me; I have in my possession the papers—all of them; and no other cause was ever assigned; no other reason was ever given. And I have not any doubt that the Secretary of the Treasury, or whoever removed him, did exactly what he lawfully might do. And I have implicit confidence in the judgment, discretion, and wisdom of the Secretary of the Treasury. I do not believe that he violated any law, or that he violated any duty which he owed to the country. And I stand here now to charge that this law is no shield to any man who is assailed because he is not wanted in one of the public offices of the country.

Mr. ENLOE. There is no doubt that that is true; yet at the same time there might have been some other reasons for the removal of this man. At any rate, there is nothing under the law to prevent the Secretary of the Treasury or any other executive officer from removing anyone who is in the Department under him. Every Republican might be removed on the ground that he was a Republican.

Mr. GROSVENOR. And when you have reached that conclusion the whole marrow, the whole life, the whole soul and value of this law has been taken out of it.

Here is the report of the case which I clip from the Philadelphia Press, with certain pertinent comments:

CIVIL SERVICE LAW IS NO SAFEGUARD—JUDGE BRADLEY SHOWS THE POWER OF EXECUTIVE DISCRETION—MERIT NO AID TO GADDIS—HIS DISCHARGE BELIEVED BY THE EVIDENCE TO HAVE BEEN UNJUSTIFIED BY HIS RECORD, BUT TECHNICALITY UPHOLDS IT.

[Special Dispatch to the Press.]

WASHINGTON, May 1.

A Democratic successor has been appointed to Eugene E. Gaddis, the Treasury clerk who sued for a writ of mandamus against Secretary Carlisle to be reinstated in his position, which is under the civil service law. Mr. Gaddis, as has been noted in these dispatches, received the sympathy of Judge Bradley, of the District court, in his case, but the opinion of the judge was against him. A notice of appeal to the court of appeals has been given, and the case will be carried there for final judgment.

The opinion of Judge Bradley makes a very interesting document, and his decision against Mr. Gaddis is based on the fact that he can not find wherein Secretary Carlisle violated the civil service law. In his opinion Judge Bradley says:

"It goes without saying that my sympathy naturally would be with a man who has been removed under the circumstances from a responsible position under the Government without any show of cause, if I understand the return that has been made here. He was removed, as it was stated, on the ground of economy and efficiency of the service. That might cover a good deal. It might cover a mere fiction of the imagination or it might cover nothing. I have not any doubt from the showing that is made here that the relator was a man who by his own merits had ascended from the lowest grade within the civil service to fill the position of a fourth-class clerk. I have not any doubt that his services have been of great use to the Government, that by long years of experience he had become so efficient that he deserved retention, nor have I any doubt that the Executive Department of the Government in which he was rendering this service, having due regard for the efficiency of the service and disregarding political influences, would naturally have retained him in the position which he filled.

"It appears to me to be beyond peradventure that he was removed from his position at the instance of the Register of the Treasury, named Tillman, in order that by the creation of a vacancy some one else might be appointed; that he was removed because of political opinions; that he was removed because he was not in sympathy with the politics of the present Administration; that he was removed because he would not say that he was or would become a Democrat. Of all this I have not the slightest doubt, and yet the difficulty with his application appears to be that I do not see any position of the law under which the right of the Executive to exercise his will and pleasure in the removal of incumbents of the executive offices has been curtailed by the civil service law, so as to make it apply to the particular reasons which were the ground of the removal of the relator. The right of the relator to the office which he filled necessarily, in my judgment, is absolutely dependent upon the tenure of the office. If the tenure of his office was at the will and pleasure or at the will and discretion of the executive officer under whom he had office, then at any time that executive officer had the right to remove, with or without reason, provided he does not violate the civil service law, which is the only provision of Congress that curtails or abridges the right of removal."

Judge Bradley, after making out a clear case for Mr. Gaddis from a moral standpoint, and from a standpoint which would indicate the spirit of the civil-service law, goes on to cite Supreme Court decisions to the effect that all officers whose tenure is not fixed by the Constitution or limited by law must be held either during good behavior or during life, or at the will and discretion of some Department of the Government and subject to removal at pleasure.

SPIRIT OF THE LAW.

In closing the opinion the judge gives some very pointed expressions with regard to the construction of the civil-service law. He said:

"Whatever may have been the intention of Congress in the enactment of the law, the courts must take it as it is found and construe it according to the language that is used, and when Congress in express terms limits the power of the Executive Department as to removals solely to the extent of indicating that no man must be removed because he refused to contribute to a political fund or because he refuses to render any political service, it

must be deemed that Congress intended that that limitation should be exclusive of any other, and that the general rule that the expression of one thing is the exclusion of the other must be applied.

"If Congress had intended that no man should be removed from office because of his political opinions it was the simplest and easiest thing in the world to say so. If Congress intended to be understood as meaning that no man should be removed from office because he refused to be coerced in his political opinions it was the simplest, easiest, and plainest thing to say so in express language. But when Congress limits the power solely in the two instances of refusal to contribute to a political fund and of refusal to render political service, then it appears to my mind to be clear that the expression of these two limitations is the exclusion of any other.

"Although apparently it has become a difficult thing to get into the civil service, yet it is just as easy to get out as before the enactment of laws. To the extent that the spoils system has been abolished by the civil-service law it is a great benefit to the civil service. To the extent, however, that Congress failed to provide for the tenure of office of appointees under the civil-service law, it appears to me that the purposes of the act are clearly abortive."

Mr. HOPKINS of Illinois. Why should not a law be passed depriving any of these heads of Departments of the power of removing for a merely political cause any person who is serving under civil-service regulations?

Mr. GROSVENOR. The gentleman is a lawyer; and he ought to know and does know that such a law would be unconstitutional under the provisions of the Constitution relating to the appointing power. You can not restrict the appointing power by any such scheme as that.

Mr. ENLOE. I believe I would rather risk intrusting any good Democrat or Republican with the administration of these matters than risk the action of this Commission.

Mr. GROSVENOR. I would by all manner of means, for there is no man on earth so much interested in having a wise corps of assistants as the head of one of these great Departments. I would trust the Secretary of the Treasury to-day, or the Secretary of the Navy, or the Secretary of War, and possibly all the other Secretaries, long before I would trust a bureau that is attempting to build itself up by an aggressive policy against all the institutions of the country.

Mr. ENLOE rose.

Mr. GROSVENOR. My time is almost out, and my friend must excuse me.

Mr. ENLOE. Just one suggestion on that point.

Mr. GROSVENOR. You will have time to make your own speech—

Mr. ENLOE. I have made mine.

Mr. GROSVENOR. And you have made a good one, no doubt.

Mr. ENLOE. Thank you, sir.

Mr. DINGLEY. We are glad to see these two gentlemen pulling together. [Laughter.]

Mr. ENLOE. I wanted merely to suggest that this Civil Service Commission, not satisfied with the power which it now possesses, has applied to the President to extend its authority so that it can supervise the matter of removals as well as appointments.

Mr. GROSVENOR. Well, Mr. Chairman, the only rift in the dark cloud surrounding our country to-day under a Democratic Administration, the only daylight, the only breath of fresh air in this chancel house, is the conviction that Grover Cleveland will not do it [laughter]; and we must be satisfied with that. It is enough for me to know.

Now, the Commission has been a failure in the direction of testing the fitness of the men it has passed for appointment; and that is necessarily true. I hold in my hand a statement in regard to the appointees under the Civil Service Commission in the Bureau of Engraving and Printing, and with the consent of the committee I will embody the entire article thus copied from a representative paper of the colored people in this town, in my remarks.

I want, however, in connection with the present branch of the subject, to call attention to the fact that the chief of that Bureau, on the 12th day of September last, wrote a letter to the Secretary of the Treasury, if I have not been deceived by the article put into my hands, in which he recites the troubles of that Bureau growing out of the failure and inefficiency of the administration of the Bureau in this particular.

Mr. TALBERT of South Carolina. Let me ask the gentleman if the article he speaks of is from the New York Times?

Mr. GROSVENOR. No, sir; it is not. Referring to this matter of appointments in that Bureau, the article I refer to is as follows:

The wholesale dismissals that have occurred among the colored female employees at the Bureau of Engraving and Printing of the Treasury Department is receiving the protests of a large number of the people of the District. The girls principally discharged were what is known as printers' assistants, who were regularly appointed by the Civil Service Commission. They were all above the general average as to their education and fitness for the work, and were removed, it is said, on the ground of color only. The Civil Service Commission is inquiring into the matter, but its progress in this direction is not fast enough for the average colored taxpayer of Washington. The Treasury officials refuse to assign any specific reason for the wholesale dismissal of sixty-nine colored girls appointed as printers' assistants, while at the same time retaining all the white appointees for such work in the Bureau of Engraving and Printing. It is a clear case of discrimination in Government employment on account of color.

The secretary of the Republican League of Maryland has secured nearly all the information on the subject pro and con, including the following letter from the Chief of the Bureau to the Secretary of the Treasury, which was never intended should reach the public, and which fully shows the spirit and animus which operates the Bureau of Engraving and Printing, supposed to be under civil-service regulation. He proposes to publish all the information he has as a campaign document and will offer it to Republican Congressional committee for circulation throughout the country this fall. Just how this documentary information was procured he does not propose to state, but when published will prove very interesting to those whose official acts are almost wholly gauged by color prejudice, and the methods pursued to get rid of colored governmental employees who chanced to be placed in office through civil service. The letter referred to reads:

"BUREAU OF ENGRAVING AND PRINTING,

"TREASURY DEPARTMENT,

"Washington, D. C., September 12, 1893.

"THE SECRETARY OF THE TREASURY:

"Referring to my interview with you yesterday, during which I called your attention to taking some steps to remove, temporarily at least, the printers' assistants from the classified service, I beg to say in addition to what I said to you personally that there have been certified to me since July 1 by the Civil Service Commission for appointment as printers' assistants the names of 87 persons; of this number 50 were colored and 37 white. I have been forced by the exigencies of the service to recommend the appointment of 65 of those certified, of which 36 are colored and 29 are white. As I have heretofore reported to you, the persons selected are not to my mind up to the proper standard of efficiency, but the conditions of our service have been such as to compel their appointment. I am convinced that if the printers' assistants are removed from the classified service I can secure a better class of women than are now willing to enter into competition with the large number of colored women who are seeking employment through the civil-service examination.

"If this class of employees can not be permanently removed I think a temporary suspension of the rules requiring better appointment by competitive examination by the Civil Service Commission would be of great benefit to the service. At this time the Bureau is under great pressure for work, as you know, occasioned by the financial panic, and the inability to get the proper help by way of printers' assistants has been a serious drawback. I need now twenty-four assistants, and have made requisition on the Commission for this number. To fill this requisition there have been furnished me the list of twenty-four eligibles, of which sixteen are colored and eight white. I have personally interviewed every one of the twenty-four certified, and in my judgment there are not more than two or three, either colored or white, who are suitable for the work.

"Very respectfully,

"CLAUDE M. JOHNSON,

"Chief of Bureau."

It took about six months for Mr. Johnson to secure the permanent dismissal of the colored printers' assistants he refers to without dismissing the white girls appointed about the same time as the former. If he had dismissed them on the basis of his letter there would not have been such a tremendous howl, but to get rid of all the colored assistants while retaining many of the white ones whom he stated are not fitted for the work, is more than the colored people of Washington intend to let pass by without a formidable protest. The following are the names of the colored girls dropped from the rolls as printers' assistants, and who hold commissions from the United States Civil Service Commission, all of whom made an average of 90 per cent in their examinations, and who were educated in the schools of Washington, New York, and elsewhere:

Misses Grace L. Addison, Nannie E. Bagot, George E. Beane, Bertha Beck-ett, Carrie Bell, Katie J. Bell, Geneva Belts, Emma A. Bowels, Emma A. Brown, Mary E. G. Brown, Nannie Brown, Ida Brown, Maria Bryant, Julia C. Butler, Martha Burke, Maria Chase, Nannie L. Dade, Fannie Dorsey, Lizzie Dorsey, Janie T. Freeman, Kate C. Gibson, Emma E. Green, Eretta Harris, Mary E. Harris, Bertha Harrison, Mamie I. Hill, Mary E. Hite, Mary G. Honesty, Mary E. Hurley, Ida L. Johnson, Lillie B. Johnson, Hannah Johnson, Catherine E. Jones, Lila Jones, Hattie D. Lacy, Ada R. Lucas, Martha Manning, Anna A. J. Matthews, Minnie E. Matthews, Minnie C. McKinney, Sarah E. Minor, Maude Morse, Alice Naylor, Alberta Nugent, Blanche Nugent, Mamie Peebles, Sadie J. Primus, Ella Robinson, Eva Ross, Lucy A. Roy, Mary E. Sayles, Emma Scott, Annie R. Sewell, Rebecca M. Sheridan, Lucinda G. Shorter, Louisa O. Simmons, Josephine Simms, Isabella Sidney, Rachel Skinner, Lizzie B. Smith, Julia E. Tibbs, Emma E. Tolliver, Blanche Turner, Katie Underhill, Mary Washington, Martha B. Wayman, Marie Wells, Catherine E. West, Clara West, and Mary M. Wright.

It is said that since these dismissals whenever the Civil Service Commission certifies to an eligible for appointment in the Bureau the chief always first ascertains whether or not the applicant has been educated in the colored schools of Washington, and if such is found to be the case, another list of eligibles is called for. Mr. Johnson, who is the secretary of the Maryland Republican League and who was in Washington hunting up more information on the subject, said he was willing to make an affidavit as to the correctness of the above statements, but refused to say who gave him a copy of the official communication.

I favor a better civil service system than this, and I deny that the friends of this system shall charge me with opposition to good government.

Mr. DEFOREST. Mr. Chairman, I can hardly believe that the amendment now pending is seriously proposed or seriously advocated. If, in the first place, as has been suggested, the object assigned for the offering of the amendment was a laudable one, the amendment itself is not in the slightest degree calculated to effectuate that purpose. As has been already suggested, it merely strikes out the appropriation for the support of the Civil Service Commission and goes no further. It does not repeal the civil-service law now in force, but leaves it in full operation and effect, the law providing that positions in the public service in the various Departments that have been placed under the classified service shall be filled only in a certain way, and that way can only be complied with through the operation of the Commission itself.

The result, therefore, of the adoption of the amendment would be that any change in office could not be made, because the machinery which would provide for such a change would have ceased to operate.

Mr. LIVINGSTON. Does not the gentleman recognize the decision of Judge Bradley—

The CHAIRMAN. Does the gentleman from Connecticut yield?

Mr. DE FOREST. I can not yield.

I am aware, Mr. Chairman, that there has been and is a feeling of restlessness, not altogether inexcusable either, on the part of the people of this country, and particularly among those of my own political faith, because of the delays which have seemed to attend civil-service reform, as well as because of the seeming injustice which in some instances has appeared to accompany it.

I know there is a feeling, and I repeat that it is not altogether inexcusable either, that the party which monopolized the patronage of the country for so many years has in some instances perhaps obtained a sort of extension of that monopoly through the operation of the civil-service law. These feelings, I say, are not inexcusable, and I admit, sir, that to some extent I share them. But I beg leave to suggest to gentlemen who feel and talk in this way that there are other methods of remedying these defects besides pulling down the whole structure.

Mr. ENLOE. I would like the gentleman from Connecticut to suggest such a method.

Mr. DE FOREST. I would state that if desirable, in the opinion of this Congress, laws can be enacted to so amend the present law that the entire civil service, including those persons already in office, would be placed upon an entirely and perfectly fair nonpartisan basis.

Mr. ENLOE. Will the gentleman allow me to ask him a question?

Mr. DE FOREST. I beg leave to suggest to the gentleman that bills of that kind are already pending before this House, and are already before the committee of which I have the honor to be the chairman, and under consideration by that committee; and can there be decently and deliberately considered and disposed of; but this is no time or place for such consideration.

Mr. ENLOE. Will the gentleman allow me to ask him a question?

Mr. DE FOREST. I can not yield, for I have only five minutes.

Mr. ENLOE. The question which I wish to ask the gentleman is, whether the committee on civil-service reform, of which he is chairman, has reported any bill of that kind to this House?

The CHAIRMAN. The gentleman declines to yield.

Mr. DE FOREST. If my time is extended, I shall be happy to answer the gentleman.

Mr. ENLOE. I will ask that the gentleman have an extension of time, in order to answer that question. I think it ought to be answered.

Mr. DE FOREST. Wait until my five minutes are exhausted. I say that there is no excuse for an attempt to introduce this amendment here, upon the ground that the present law has not worked satisfactorily. There are other ways, more regular, more orderly, more rational, more legitimate, of reaching defects in the law and remedying them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DE FOREST. I should like to have five minutes more.

Mr. LIVINGSTON. The gentleman has refused to answer a simple question.

Mr. COOMBS. How could he answer in the short time he had?

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended five minutes.

There was no objection.

Mr. BYNUM. The time is to come out of the side he is speaking on, of course.

The CHAIRMAN. Certainly.

Mr. DE FOREST. What was the question which the gentleman wished to ask?

Mr. ENLOE. The question I ask is, whether the Committee on Civil Service Reform in this House, of which the gentleman is chairman, has matured or reported any bill to this House of the character which he describes?

Mr. DE FOREST. We have not. We have those bills under consideration.

Mr. ENLOE. Is it the intention of the committee to report any such bills?

Mr. DE FOREST. I can not answer for that. The gentleman very well knows that any bill which might be introduced upon this subject might have details about it which would present difficulties to a committee that is trying impartially and rationally to dispose of it.

Mr. PENDLETON of West Virginia. Will the gentleman from Connecticut allow me to ask him a question?

Mr. DE FOREST. Yes.

Mr. PENDLETON of West Virginia. I should like to know

how many Democrats in Connecticut are holding positions in the Railway Mail Service?

Mr. DE FOREST. I can not answer that question.

Mr. PENDLETON of West Virginia. Does the gentleman know of any?

Mr. DE FOREST. In regard to that matter I desire to ask the gentleman from Tennessee [Mr. ENLOE] where he got his information, upon which he stated to this House that at the end of President Cleveland's Administration the offices were about equally divided between the two parties.

Mr. LIVINGSTON. The question I proposed to the gentleman from Connecticut was this—

Mr. ENLOE. I should like to answer the question which the gentleman has asked me.

Mr. LIVINGSTON. I wish to ask the gentleman if he wants to make an apology for the action of Mr. Harrison in turning out 464 Railway Mail Service clerks by suspending the civil-service rules?

Mr. CARUTH. Two thousand of them.

Mr. ENLOE. Twenty-two hundred.

Mr. DE FOREST. Will the gentleman from Tennessee [Mr. ENLOE] tell me where he gets his information on that point?

Mr. ENLOE. I get my information from reliable sources, from the Democratic association of discharged railway postal clerks, who had a tab on this whole business, and know exactly how it turned out.

Mr. DE FOREST. That is just what I supposed to be the source of the statistics which the gentleman is relying upon.

Mr. ENLOE. Does the gentleman deny the truth of it?

Mr. DE FOREST. I do. There may be some truth in it, but the statement in its entirety I believe is incorrect.

Mr. ENLOE. Where does the gentleman get his information?

Mr. DE FOREST. I get it from the official source.

Mr. ENLOE. What official source?

Mr. DE FOREST. From statements made to the committee by the Civil Service Commission.

Mr. ENLOE. By the Civil Service Commission?

Mr. DE FOREST. Yes.

Mr. ENLOE. Well, sir, I want to say I will take the word of the other association against the Civil Service Commission.

Mr. DE FOREST. I believe my information is more reliable than the information which the gentleman relies on.

Mr. BOATNER. What is the information which the Commissioners give about that?

Mr. DE FOREST. It is that at the conclusion of President Cleveland's Administration, of the five thousand positions under the Railway Mail Service, more than four thousand had been changed during that Administration; that the application of the civil-service rules to that department, by the order of President Cleveland, was made to begin at the conclusion, or fifteen days after the conclusion of his Administration; that that time was extended by the Administration of President Harrison for one month.

Mr. LIVINGSTON. Sixty days.

Mr. DE FOREST. No; a month and a half, I believe.

Mr. ENLOE. From the 15th of March to the 1st of May.

Mr. DE FOREST. However that may be, of the five thousand places less than half were changed back again.

Mr. ENLOE. Twenty-two hundred were changed.

Mr. DE FOREST. Less than half of the five thousand were changed. That is the information which I have on that subject.

Mr. TRACEY. Did the Civil Service Commission approve of that proceeding?

Mr. DE FOREST. This was before the Civil Service Commission had anything to do with the appointments in the Railway Mail Service.

Mr. ENLOE. They refused to furnish the eligible list at that time, so that this order should not go into effect, and gave them time to accomplish the removal of the Democratic clerks.

Mr. DE FOREST. Where does the gentleman get his information upon that subject?

Mr. ENLOE. I got it from a gentleman who was in the service of the Commission.

Mr. DE FOREST. Who was he?

Mr. ENLOE. He was Mr. Cumming, chairman of the central board of examiners of the Civil Service Commission.

Mr. DE FOREST. What did Mr. Cumming state?

Mr. ENLOE. He states that instead of the force being employed in furnishing an eligible list, they put them to work on the regular Department examinations, and suspended this work in order to give time to accomplish the removal of Democrats.

Mr. DE FOREST. I can not dispute the statement of Mr. Cumming.

Mr. ENLOE. He is now occupying a position in the Treasury Department.

Mr. DE FOREST. I believe that a great deal of the informa-

tion upon which the gentleman has relied has come from sources which are not entirely authentic.

Mr. BOATNER. Will the gentleman from Connecticut yield to me for a question?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. DE FOREST. Mr. Chairman, I ask that my time may be extended, as my five minutes have been taken up entirely in answering questions.

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair would state that it is impossible for the Chair to keep time under these extensions, but the Chair interposes no objection.

Mr. BOATNER. Are you able to state by what methods the appointments were made in the letter-carrier service before it was covered into the civil service?

Mr. DE FOREST. I am not.

Now, sir, as I was suggesting, all the defects of the existing law can be remedied by appropriate legislation if it is deemed advisable; but it certainly can not ever be seriously proposed by any gentleman who has carefully considered the subject, and who is mindful of the solemn pledges made by all political parties on this subject, I say it certainly can not be seriously intended to entirely do away with all the law we have, in furtherance of these pledges. But gentlemen intimate that the aim of this amendment is to accomplish that purpose—

Mr. ALDERSON. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. DE FOREST. It is intended, they say, to make the Commission inoperative.

Mr. ALDERSON. Will the gentleman allow me to ask him a question?

Mr. DE FOREST. I can not yield any further. The Civil Service Commission is the heart of the system. The Commission is the central force from which it derives all its vitality and efficiency; and if you strike down the Commission you render the whole law inoperative; and without the law all the promises and professions of civil-service reform are simply airy nothings and have no habitation and no name. Because it is demonstrated by experience that you can not trust any man or any body of men in high office, however patriotic they may be, however high their aspirations may be in the way of a pure government—you can not trust them to carry out the provisions of civil-service reform without some sort of positive and legal enactment. There always will be an element in every political party which by its insatiable greed, by its immeasurable impudence, and by its irrepressible and odious pertinacity will compel the application to the selection of men for public service by other rules than that of the merit or capacity of the candidate.

Mr. STONE of Kentucky. Will the gentleman yield to me for a question?

Mr. DE FOREST. I can not yield any further.

It has been demonstrated by experience that it is impossible to accomplish this purpose unless the appointing power is panned all over and walled in by defenses of legislative enactment; and hence there was a demand by all the political parties of the country for such an enactment. Gentlemen can not have forgotten the pledges their own party has made. I hope gentlemen will remember that in the election of 1872 in the Democratic platform this provision is found:

Resolved, The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition, and an object of selfish greed. It is a scandal and reproach upon free institutions, and breeds a demoralization dangerous to the perpetuity of republican government. We therefore regard a thorough reform in the civil service of the Government as one of the most pressing necessities of the hour, that honesty, capacity, and fidelity constitute the only valid claims to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and that public station become again a post of honor.

Again, in the national platform adopted in St. Louis in 1876 the Democratic party declared:

Reform is necessary in the civil service. Experience proves that efficient, economical conduct of the governmental business is not possible if its civil service be subject to change at every election, be a prize fought for at the ballot box, be a brief reward of party zeal, instead of posts of honor assigned for proved competency and held for fidelity in the public employ, that the dispensing of patronage should neither be a tax upon the time of all our public men nor the instrument of their ambition.

These principles were expressly reaffirmed by the Democratic national platforms of 1880 and of later campaigns.

And I may say, sir, without exaggeration that they constituted the chief ground upon which we appealed to the people for their support after long years of exclusion from power.

Most of us here must surely remember how at that time tariff and currency questions had not again come prominently to the front. The issues of the war had been definitely settled. The Republican party, founded, as we must all admit, by noble men upon a grand idea, however greatly we may have thought them

to be mistaken, and whose early career, I am free to admit and take pride in admitting, was singularly free from all suspicion of corrupt or sordid motives, having accomplished its mission in the abolition of slavery, and thus became emptied of the one great inspiration of its being, had lapsed into a mere selfish combination of men for the extension and perpetuity of its own political power.

As was to be expected under such circumstances, there was then inaugurated that era of riot and debauchery and almost unspeakable scandals in the public service which alienated from that party all the great men who had established it and made it illustrious, arrayed against it the moral sentiment of the nation, and drew forth from all political organizations demands for such changes in the law regulating the civil service as should not only put an end to such abominations, but render them forever after impossible.

It was then that the Democratic party joined in that demand and pledged itself to that policy and promised the country in words as solemn and explicit as the language could furnish, to so legislate and so administer the Government if intrusted with power that—

Honesty, capacity, and fidelity should constitute the only valid claim to public employment—that the public offices should cease to be a matter of arbitrary favoritism and patronage—that the civil service should no longer be subject to change at every election, be a prize to be fought for at the ballot box; be a brief reward of party zeal, instead of posts of honor assigned for proved competency, and held for fidelity in the public employ, and that the dispensing of patronage should neither be a tax upon the time of all our public men, nor the instrument of their ambition.

It was upon such professions as these that we went before the electors of the country; it was upon such professions as these that we attracted to our ranks the business judgment, the clear intelligence, the youthful enthusiasm, the conscience, the morals, the disinterested patriotism of the land. It was pursuant to such professions as these that the present civil-service law, proposed by a great Democratic statesman whose memory we revere, was enacted; and it was pursuant to such professions, not yet forgotten or become unpopular, that the Democratic party in 1888, in general convention assembled, referring to this same civil-service law and the progress that had been made under it, declared:

Honest reform in the civil service has been inaugurated and maintained by President Cleveland, and has brought the public service to the highest standard of efficiency, not only by rule and precept, but by the example of his own untiring and unselfish administration of public affairs.

Now then, in view of this incontrovertible history, while I readily concede that there are defects in the law which ought to be remedied, yet when I hear gentlemen rail against it and demand its repeal, not because of those defects, nor because they are not perfectly susceptible of correction by suitable amendments, but because of that very underlying principle of the law to which we have as a party solemnly and repeatedly pledged ourselves, and because under the law they can not carry out the same disreputable programme which we so bitterly denounce in our Republican opponents, I for one, sir, desire to enter my emphatic protest. I desire to suggest to such honorable gentleman that a promise which is worth making before the election is worth keeping after it. I protest against this amendment because I believe it will be regarded as a departure from those pledges; a triumph of the office hunter and the office broker over the cause of good government; a sign of waning faith in those great issues for which we have fought and upon which we have achieved our victories.

It is an unhappy augury for any party when the cry of the spoilsman can drown the voice of the statesman; when the man who aims at position occupies a larger place in the political arena than the man who battles for a principle; when self-seeking, rather than standard-bearing, is the animating purpose of the leader, the ambition of the rank and file. I trust we shall not place ourselves in any such attitude; that we shall not so gratify our enemies, disappoint our friends, disgrace ourselves, and betray the sacred confidence which a generous public has reposed in us.

I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? The Chair hears none, and leave is granted.

Mr. ENLOE. I desire to ask the same permission.

There was no objection.

Mr. ENLOE. I now make the request that every gentleman may be permitted to extend his remarks.

Mr. CRAIN. I ask unanimous consent that gentlemen who have addressed the committee may have leave to extend their remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. VAN VOORHIS of New York. Mr. Chairman, I desire to say but a word. The administration of the Civil Service Commission ought to be made better than it is, and if it can not be bettered it ought to be abolished. I do not believe there is

any constitutional objection to giving the Civil Service Commission supervision over removals as well as appointments. If the Constitution is in the way in the one case it is in the other. Now, what is the practice? We have at the head of the Post-Office Department a theoretical civil service reformer, but he declares that civil service is one thing in theory and another thing in practice. He acts upon that declaration, and when he wants to turn a man out, no matter how good a public servant he is, no matter how long he has served, no matter how meritorious a clerk he may be, out he goes. [Laughter.]

How is it done? Here was a man who has been in the service nine years, one of the best clerks in the Department. He writes the hand of a writing master. They want his place. How did they proceed to get it? Well, he had a helper at his desk, and they took away the helper. Then they piled up his desk with three times as much work as he had ever had before, and three times as much as any one man could do, and said to him, "Why do you not clear up your desk?" He worked overhours, from 8 in the morning till 6 in the evening. It made no difference.

Mr. STONE of Kentucky. May I ask the gentleman a question?

Mr. VAN VOORHIS of New York. Not now. That method was adopted in order to freeze him out. And that is the policy of Civil Service Reformer Wilson S. Bissell, Postmaster-General of the United States, under our civil-service-reform President, Grover Cleveland. What more? When this man wanted to know why he had been expelled from the Department, and wrote a respectful letter to Mr. Bissell asking the reasons of his removal, this civil-service-reform Postmaster-General refused to give any reasons, and did not deign to answer the letter.

Mr. COGSWELL. Well, there were not any. [Laughter.]

Mr. VAN VOORHIS of New York. That is true; there were not any, except that he was a Republican.

Mr. MORGAN. If he was a Republican, would not that have been a good reason? [Laughter.]

Mr. VAN VOORHIS of New York. That would be a good reason from one point of view, if he had assigned it, but it would not be a good reason for a civil-service reformer to give.

Mr. STONE of Kentucky. The gentleman has answered the question which I was going to ask him awhile ago, which was whether he had ever heard of the present Postmaster-General turning out a Republican. This is the first one I have heard of. [Laughter.]

Mr. VAN VOORHIS of New York. Well, I will give you the name of the man privately if you have any doubt about it.

Now, Mr. Chairman, that is about all I intended to say on this subject. Let us have a civil-service system that will really improve the service, and not one that operates as the present one does. I do not believe that the civil service of the country is any better than it was before this Commission was established. It is without doubt abused. These abuses should be corrected by amendment to the law wherever amendment is needed to make it effectual.

Mr. PENDLETON of West Virginia. Mr. Chairman, I am heartily in sympathy with this amendment. I think that the civil service as at present administered is the greatest organized hypocrisy in American politics. My own experience of its workings shows that it is operated, and has been operated from its origin, entirely for the benefit of one political party. In the State of West Virginia to-day, in the entire Railway Mail Service there is but one Democrat employed, and he obtained his employment through Republican influences more than ten years ago, before the Railway Mail Service was placed under the civil service law.

Through the Administration of President Harrison, for a period of four years, not a single Democrat from my State obtained an appointment in any department of the Government under the classified service. It is further my information that during those four years not a Democrat obtained an appointment in the classified service in the Treasury Department, and during the year that Grover Cleveland and the Democratic party have presided over the destinies of this country, not a West Virginia Democrat has obtained a position in the classified service in any department of our Government, though large numbers of them have taken the examination.

A MEMBER. Perhaps there are no schoolhouses there. [Laughter.]

Mr. PENDLETON of West Virginia. There are plenty of schoolhouses. There are schoolhouses in my State in every valley and on almost every hill, and the people are as intelligent and as civilized as any people under the American flag. The present Civil Service Commission is so organized that only the members of one political party have any opportunity of standing a fair examination. Two out of the three members of the Commission are Republicans, and the overwhelming majority of every examining board in every post-office and in every

place where men are called to stand the examination is under Republican control; so that I repeat, the Civil Service Commission as at present organized was organized for one purpose and one purpose alone, and that is to retain Republicans in office under the present Administration and for all time.

Mr. ENLOE. As bearing upon that point, I understand that nearly all the clerical force connected with the Civil Service Commission are Republican, and they mark the papers and pass upon the examinations of candidates.

Mr. COOMBS. But they do not know whether the candidates are Republicans or not. They do not have the names at all.

Mr. PENDLETON of West Virginia. They do know when they are Republicans, and are always on the alert to mark down Democrats. I had a conversation a few weeks ago with Mr. Roosevelt, of that Commission. I called his attention especially to this point, and he undertook to inform me that West Virginia Democrats were as well represented as West Virginia Republicans in the classified service under the action of the Civil Service Commission, whereupon I pointed out to him from my own Congressional district one solitary lone angel of a Democrat, holding a position in the classified service, and more than one hundred Republicans; which shows the way in which this matter has been operated.

A MEMBER. How did that "lone angel" get in?

Mr. PENDLETON of West Virginia. I do not know; I suppose he got in under Mr. Cleveland's former Administration, and by accident, at that.

[Here the hammer fell.]

Mr. PENDLETON of West Virginia. I ask unanimous consent to be allowed five minutes more.

Mr. COOMBS. I hope the gentleman's time will be extended.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Virginia for five minutes?

Mr. BYNUM. Unless the time allowed for this debate be extended, I must object.

Mr. DOCKERY. I object to any extension of the time.

The CHAIRMAN. The Chair can not entertain a conditional objection. Is there objection to the request? The Chair hears none.

Mr. PENDLETON of West Virginia. The attack upon Mr. Bissell is unjust. He believes in civil service, and is honest in his belief. He would as soon appoint a member of one party as of the other. I say he is one of the honest believers. His beliefs and mine are different. I would give a Democratic Administration entirely to Democrats, and a Republican one entirely to Republicans. We should then have no traitors in the camp.

Now, Mr. Chairman, for another reason I am opposed to this civil service system. It creates an army of officeholders who are supposed to hold their places for life. It is an aping of the English civil service system, except that in my opinion it is far worse than that system. Our people are taught by this system that the moment they can pass this examination they are politically to emasculate themselves. A man who obtains a place under the civil service system is supposed to cease to take any interest in the politics of the country. A man who fills a clerical position is supposed to cease to exercise the duties of a citizen, for fear that he may be turned out under the succeeding Administration, if it should be of opposite politics. Thus the political opinions and the political actions of the clerk are emasculated. He is literally separated from the mass of his fellow-citizens and made a class apart.

In addition to that, this system takes a large number of our citizens from private life and gives them positions which they are taught to believe they can hold for life; and that I contend is opposed in every way to American institutions. In Great Britain they have a Queen who holds her position for life; they have a House of Lords whose members hold their positions for life. But in the United States we have a President who is allowed to hold his office for only four years; and at the end of that time, if he desires to be reelected, he has to win the suffrages of nearly 6,000,000 of American sovereigns.

This civil service of ours is advocated by these New England Mugwumps and that class of hypocrites who call themselves better than other people, and who are fonder of offices and office-holding than any class of the population that God ever permitted to live on the surface of the earth. They tell us that a petty one-horse clerk, a \$900 clerk, or a \$1,000 clerk, or a \$1,200 clerk, should step into a position and occupy it upon a basis superior to that of a member of the House of Representatives or a Senator, and beyond the reach even of the prerogative of the President of the United States.

I say strike out this clause; draw the fangs of this Commission; wipe it out; abolish it, and we shall soon have a proper system of civil service, one not based on hypocrisy, not based on Phariseeism, but on the Democracy and the Republicanism of sturdy old Andrew Jackson, which would permit a man to

hold office as long as he behaves himself, and turn him out as soon as he ceases to do so. [Applause.]

Mr. HOPKINS of Illinois. Mr. Chairman, the gentleman from West Virginia [Mr. PENDLETON] is a "spoilsman" of the most marked character. The argument, however, that he has addressed to this committee furnishes a splendid illustration of the benefits of this law and the manner of its enforcement by the present Commission. Now, what is his objection to this law, and why is he in favor of the adoption of the amendment of the gentleman from Tennessee? His sole and only reason is because under the present law he is not permitted to get his lean and hungry looking mountaineers from West Virginia into office. [Laughter.]

Mr. Chairman, this law was placed on the statute book of our country for the express purpose of keeping such people as those out of office [renewed laughter] and of elevating the public service to the grade of intelligence and merit. This law was placed on the statute book for the purpose of eliminating this question of politics from the matter of appointments to these various offices in the Departments and in the Railway Mail Service and making efficiency and ability the test of appointment and retention in office.

Now the gentleman from Tennessee has stated that our present Railway Mail Service was debauched under the Harrison Administration. Mr. Chairman, I deny that charge. As has been stated by the chairman of the Civil Service Committee of the House, the record of that office is a complete refutation of the gentleman's statement. When Mr. Cleveland first came into power, we had nearly 5,000 railway mail clerks in the service of the Government. That service was not then under the Civil Service Commission. What was the result? Such men as the gentleman from Tennessee and the gentleman from West Virginia, regardless of the question of the ability and efficiency of those whom they recommend, insisted on placing their constituents in office; so that when Mr. Cleveland's four years expired there had been over 4,000 changes in the Railway Mail Service.

Mr. ENLOE. Will the gentleman yield a moment?

Mr. HOPKINS of Illinois. I can not. And the almost universal judgment of the chief officers of that service was and is that those changes had degraded instead of elevated the service—that inefficient men were substituted for able and experienced clerks.

Now, only a few days before Mr. Cleveland's term expired he issued this celebrated order that the Railway Mail Service should go under the Civil Service Commission regulations. The order was to take effect on the 15th day of March—just eleven days after Mr. Harrison's Administration would come into power.

The Republican Administration proposed to stand by that order; but the Civil Service Commissioners went to President Harrison and represented to him that so short a time had been fixed by the outgoing President for preparing for this change that it would be impossible for the Commission to classify this service; and they asked him in the interest of the public service to extend that time until the 1st day of May.

Mr. Chairman, I am prepared to state from the records that in making the changes which were made from the 15th day of March up to the 1st of May, no man was given position in the Railway Mail Service except upon the ground of merit and with a view of improving the service. [Derisive cries on the Democratic side.]

Many of these experienced clerks were restored, and they were restored, sir, because they were more efficient than the Democrats who had been put in their places on purely political ground. But wherever a Republican had been displaced whose record for efficiency was not up to the standard, no political influences, or influence of any other character, could restore him to his old place. And to show the ignorance that has been displayed by these gentlemen who cry out against the operation of this law, I want to refer to the statement of the gentleman from Tennessee [Mr. ENLOE], who made the charge here to-day that Gen. Clarkson, who then held the office of First Assistant Postmaster General, spent two or three days prior to the 1st of May in signing commissions to take effect weeks afterwards. Why, Mr. Chairman, any person who is familiar with the service knows that Gen. Clarkson had in fact little more to do with the Railway Mail Service than any gentleman now sitting in front of me. It is true he signed appointments, but whatever he did was formal. Gen. Bell had supreme control of this service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS of Illinois. I ask for three minutes longer.

Mr. ENLOE. I object, unless the gentleman will answer a question.

The CHAIRMAN. The gentleman from Tennessee objects.

Mr. DINGLEY. I think, after the gentleman had his own time extended for so long, he certainly will not object now.

Mr. ENLOE. My time was extended, but I did not refuse to answer gentlemen pertinent questions.

Mr. DINGLEY. It seems hardly just or generous after the treatment accorded to the gentleman.

The CHAIRMAN. Does the gentleman from Tennessee object?

Mr. ENLOE. Let him go on and take his time; I will not object.

Mr. HOPKINS of Illinois. I desire to continue the suggestion that I was making, Mr. Chairman, at the time the hammer fell.

The present able Second Assistant Postmaster-General was the gentleman who had entire charge of the Railway Mail Service; and I know, and you Democrats here to-day know, that during his administration no man has ever had a position in that service because he had what is called a "political pull." This service under the Harrison Administration was taken out of politics, and Gen. Bell has always held that merit and efficiency alone should determine the selection of the clerks. And I say further that the majority of the charges against the workings of this law are as unfounded as the charge the gentleman from Tennessee has to-day made against Gen. Clarkson.

No more able and efficient set of men can be found in public or private service to-day than this army of clerks in the Railway Mail Service. No other country can boast of such service. The high grade of efficiency which has been attained in this service would be impossible under the old spoils system.

The gentleman from Ohio [Mr. GROSVENOR] referred in his remarks to the consular service, and to the spoils method of conducting it under the present Administration.

Mr. Chairman, the reason of so many changes, to the detriment of the Government of the United States, in this branch is because that service is not under the civil-service law. All well-informed persons know that if the present Civil Service Commissioners had been in charge, few of these removals would have been made. We will never bring the consular service up to a standard that the best interests of this great Government require, up to the standard maintained by France, and England, Germany, and other foreign nations, until we put it under the civil service law and until we select men for that service on merit, on fitness and ability, and not because some wealthy man who has subscribed liberally to the campaign fund wishes to represent this Government in some foreign country.

Mr. CARUTH. Mr. Chairman, I am not opposed to a wise and businesslike administration of this Government. On the contrary, I believe that the United States should have its affairs managed with method and ability, and that it ought to employ in all its departments the best obtainable talent.

While I hold to this view, I hold still further that not all of the patriotism, not all the wisdom, not all the ability of this great country is to be found within the ranks of either one of the great political parties of the nation; yet I understand from gentlemen who have investigated the operations of this law, that now, to-day, in this country almost 90 per cent of the people in office are not in sympathy with the Administration in power.

Such a civil service as that is not desired by the people. When at the polls they speak in favor of the Administration of one particular party—they mean that the country shall be administered by the party successful at the elections in all of its departments—not merely in the executive office, not merely in the great departments of the Government, but in all of its political affairs, so that the work of the party will not be hindered, hampered, or restricted by those who hold antagonistic views to it.

I have great respect, Mr. Chairman, for the memory of Thomas Jefferson. He is the founder of the political party to which I belong. He was the author of the Declaration of American Independence. He was thoroughly imbued with the spirit of Democracy. In his footsteps we may follow without fear. He said:

When the public sentiment at length declares itself and bursts open the doors of honor and confidence to those whose opinions the people approve, is it to be imagined that the monopoly of office shall be continued in the hands of the minority?

When by their votes the people declare for a change of measures they desire also a change of men, for only by the aid of new men with like views with themselves can they hope for the reform which they have demanded at the polls.

I hold in my hand the tenth annual report of the United States Civil Service Commission, dated on the 20th day of November, 1893, and signed by two of the Commissioners. It was not signed by the third one, Mr. Johnson, at that time a member of the Commission. My understanding is he refused to sign because he could not approve of the views entertained by his associates, or indorse the partisan work of the Commission. The report makes some declarations to which I desire to call the attention of the House. It says for instance:

That the spoils system is a mere indefensible remnant or survival of barbarism.

And it says further that "the facts show that the more barbarous a nation, the more nakedly the spoils system is applied to its political life, and that a gradual adoption of a merit system, such as that which is established by the civil-service laws of the United States, is one of the tests of a nation's progress to civilization."

If the test of this nation's progress to civilization be the administration of such a civil service as this Commission has given us, I think from the trenches where the boys fought and won the battle, I think from all over this land where there are worthy and deserving Democrats desiring office and unable to obtain it on account of this misnamed "merit system," the cry would gain volume as it went up to the sky, "Long live barbarism!" [Applause on the Democratic side.]

But, Mr. Chairman, this civil service that we have in this country is a sham and a fraud. It has been shown during this argument that this Commission is practically bereft of any power to remedy evils that may exist. It has no right to inquire into the cause of the removal, or to cause the reinstatement of any person removed by the head of any Department.

Mr. Chairman, neither of the great political parties of this country at heart believe in this sham and fraud. Why, President Cleveland allowed almost his entire Administration to pass away, he allowed the question of his continuance in office to be decided at the polls, and he allowed himself after that election was over to wait until the 4th day of January following, before he signed the order in regard to the placing of railway clerks under the civil-service laws.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CARUTH. I ask for a little more time. I have not bothered the House by making many speeches, and I ask for five minutes more.

There was no objection.

Mr. CARUTH. President Cleveland, as I have said, did not extend the civil-service laws to the railway mail clerks until January succeeding his defeat at the polls in 1888. And there never was, and there never can be in this country, as bold and defiant a violation of civil-service rules as was shown in the execution of this order by the incoming President of the United States, Benjamin Harrison.

Why, Mr. Chairman, there was pending before the Judiciary Committee of this House a bill to reform the abuses of the civil-service laws, caused by this wholesale removal of railway mail clerks, and upon that bill a report has been made setting out all the facts in the case. That report says:

On the 1st day of December, 1888, the President issued an order placing the railway mail service under the regulations of the civil service on and after the 15th day of March, 1889. Rules governing the service were promulgated on the 4th of January, 1889. On the 11th day of March, 1889, President Harrison issued an order extending the time when the said order should take effect from the 15th day of March, 1889, to the 1st day of May, 1889.

Appointments to the mail service prior to the time the same was placed in the classified service were made under regulations of the Department. These regulations restricted the age of appointees to 35 years and under, and required a probationary service of six months, during which time the efficiency of the applicant was tested by strict examinations before permanent appointment could be made. Under such regulations the service was supplied with very efficient clerks.

As the rules for the regulation of the service by the Commission had been promulgated more than two months before the extension thereof by President Harrison, it seems that the said extension was made simply to enable the Department officials to remove those in the service, and to appoint others in their stead. From the 15th day of March to the 1st of May, 1889, more than one thousand removals were made and inexperienced parties appointed in their places. The changes made greatly reduced the efficiency of the service.

The clerks dismissed during this interval were dismissed without cause, other than political, most of them having unquestioned records for efficiency. Not only were a large number of removals made during this period, but clerks whose services could not be dispensed with at that time were retained until the months of August and September and then dismissed, and their notice of dismissal dated April 29.

Also, appointments were made in August and September, regardless of the civil-service regulations, by dating the orders therefor April 29.

It appears evident from the facts that the object of the extension of the time fixed by President Cleveland from the 15th of March till the 1st of May, 1889, was to enable the new Administration to make changes and appointments for political reasons alone.

So, so far as any claim that the Democratic party in good faith stood for the kind of civil service as administered by this Commission, I say it is a false claim. It may be well enough to catch the so-called independent "Mugwumps" of New England, but it does not go down with the rank and file of the Democratic party. [Applause on the Democratic side.]

And again, Mr. Chairman, neither was the party of Benjamin Harrison in favor of civil-service reform, for he did not discover until January 5, 1893, after he had been defeated at the polls and after his party had been put to rout all over this country, that it was proper to extend these civil-service rules to 557 post-offices, all the free-delivery offices, and over 7,600 clerks and employes in these offices.

I say it was only after he had been met at the polls and defeated, and within two months of the expiration of his term of

service, that he extended the provisions of the civil service law until they embraced 557 post-offices and 7,600 employes. Can anyone deny that the sole purpose of this order was to retain in office 7,600 partisans of the Republican faith, believers in that doctrine which the people at the polls had so emphatically denounced? What was the word that the gentleman from Massachusetts [Mr. EVERETT] was trying to pronounce the other day and most of the country said he could not pronounce right?

A MEMBER. Octopus.

Mr. CARUTH. That is what this Civil Service Commission is. An octopus, and a hungry one at that. It is not satisfied with what it has consumed. It has already swallowed the Railway Mail Service. It has already devoured the post-offices of this country, the Fish Commission, the Indian Service, all the departmental places, and now in this report it wants to go for what? Why, for all the other appointive places.

Mr. JOHNSON of Indiana. It is not leaving much for the boys?

Mr. CARUTH. Oh, nothing at all for the boys in the trenches. What is going to become of the men who hold that "to the victor belongs the spoils?" There will be no "spoils."

Mr. JOHNSON of Indiana. What is going to become of the boys?

Mr. CARUTH. How are they going to carry out that song which we sung during the canvass?

Grover, Grover, Grover,
Four more years of Grover;
In we go, out they go;
And we'll be in clover.

[Laughter.]

So I favor starving out this Commission. I favor the distribution of the places among the friends of the party in power, always having regard, however, to the honesty, integrity, fitness, and ability of the person appointed to office.

The Commission complains in this report of an inadequate appropriation for traveling expenses. If we have to make an appropriation at all I wish to give them plenty for traveling expenses, so that they may take themselves, bag and baggage, examination papers, "eligible lists," and all, and go to Turkey; for there they say the spoils system prevails, and they might civilize that country; I am willing for them to go and try.

[Laughter and applause.]

[Here the hammer fell.]

Mr. EVERETT. Mr. Chairman, I should be glad if I were allowed some extension of time on this question.

Mr. COGSWELL. You shall have all you want.

Mr. EVERETT. Because I dislike to print anything that I do not speak; and I should be glad, therefore, to speak at some little length.

Mr. WHEELER of Alabama. I ask that the gentleman have half an hour.

Mr. EVERETT. I thank my gallant friend from Alabama, who is always in favor of giving everybody everything.

The CHAIRMAN. There are forty minutes of the time remaining in opposition to the amendment of the gentleman from Tennessee. How much time does the gentleman ask? The Chair will submit whatever request he makes.

Mr. EVERETT. I should like thirty minutes; but I may not use all that.

Mr. COOMBS. You can not have that much.

Mr. EVERETT. Then I will say twenty minutes. Whenever gentlemen are tired I shall cease.

Mr. JOHNSON of Indiana. I ask unanimous consent that the gentleman have thirty minutes.

Mr. WELLS. I object to either fifteen or twenty minutes.

The CHAIRMAN. The Chair will state that there are five or six other gentlemen who desire to be recognized—

Mr. EVERETT. Is this discussion coming out of time?

The CHAIRMAN. And if the time is all given to one gentleman, they will not have an opportunity of being heard. The Chair will submit any request that is made.

Mr. TAYLOR of Indiana. I ask unanimous consent that the gentleman be allowed fifteen minutes.

The CHAIRMAN. How much time does the gentleman request?

Mr. EVERETT. Twenty minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended for twenty minutes.

Mr. WELLS and others. I object.

Mr. TUCKER. I ask unanimous consent that the gentleman have ten minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman have ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PICKLER. I ask unanimous consent that the gentle-

man's time be extended fifteen minutes, so that the gentleman may have twenty.

Mr. DOCKERY and others objected.

The CHAIRMAN. The Chair hears no objection to the request that the gentleman be allowed ten minutes.

Mr. CANNON of Illinois. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON of Illinois. The gentleman from Massachusetts has good lungs, and if gentlemen will be seated, we can all hear.

The CHAIRMAN. The rule requires gentlemen to take their seats when the point of order is made.

Mr. EVERETT. Mr. Chairman, I desire to say at the outset of my remarks that I am entirely incapable of discussing this question from a comical point of view. A good many gentlemen on both sides have enlivened this matter with some excellent jokes back and forward. I will make one, and then I will go on in a more serious way.

A MEMBER. Make it two.

Mr. EVERETT. Having introduced, on the District day, some comparison to a peculiar species of *tenthidean cephalopod*, I pronounced it in a way which has proved unsatisfactory to various persons, although they are not quite so sure I was wrong now as they were a week ago; therefore I will state once for all the proper pronunciation of the name of that beast is "cuttle fish;" and with that I propose to go on seriously. [Laughter.]

Mr. Chairman, I think it is very important in the discussion of this amendment that we should see once for all what the real purpose of it is. That purpose has been perfectly undisguised in the remarks of my friend from West Virginia [Mr. PENDLETON] and my friend from Kentucky [Mr. CARUTH]. It is all very well to make attacks upon the present Civil Service Commissioners. It may be that they or their predecessors have administered the law in a way that lays them open to just animadversions; although I believe that the grounds for animadversion has been very greatly exaggerated; and I can not help saying, without meaning to strike any gentleman personally, that many of these attacks upon the Civil Service Commissioners have their foundation, not now so much as in past years, but have had their foundations in the personal disappointment of gentlemen who have gone to them with reference to some friend in whom they were interested. Such things always will happen in the Government service on whatever system of administration: when any person finds that his friend or friends have suffered he is apt to think that the fault is in those who administer the law.

Mr. ENLOE. May I ask the gentleman a question.

Mr. EVERETT. I can not yield. I am sorry, but my time is so limited that I must decline. I believe, sir, that if this Commission is defective it might perhaps be improved in its personality, although, for myself, I must express the belief that a better set of men could hardly be found. But I believe the Commission might be increased with advantage; might be made to consist of five instead of three members, so as to represent a larger extent of country. I believe, as was suggested by the gentleman from Illinois, that the effectiveness of the Commission might be greatly increased by giving it the power to check removals, and I do not believe that the last word has been said on the subject of removals from office in the United States.

I believe that the time will come when faithful civil servants will not be subject to arbitrary removal by the heads of their Departments with no greater reason assigned than that "the good of the service" demands it. [Applause.] And, let me say, I am not interested here to defend any action of the Republican Administration with reference to the Railway Mail Service. I believe that the action of the Republican Administration in further defining the time when the Railway Mail Service should be put under the Civil Service Commission, thereby securing a greater power of appointments to itself, was indefensible and will always remain a blot on the Administration of President Harrison. [Applause on the Democratic side.] I believe, moreover, that it is the opinion of the present Civil Service Commissioners that it was a thing deeply to be regretted and which has cast a cloud over the whole Administration.

No, Mr. Chairman, the question is something deeper than the present Civil Service Commission; the question is something deeper than their methods of examination; the question is something deeper than whether the Commission shall have only a power of inquiry and not the power of removal also. It is a question between two theories of government, and that was fairly and honorably avowed in the remarks of my friend from West Virginia [Mr. PENDLETON]. I do not say the Civil Service Commission has solved the problem entirely, but I do say that the Civil Service Commission remains at present in this country the only breakwater, the only bulwark, the only obstacle, however feeble, however inefficient, against the system of appointments and removals for political service. [Applause.]

Now, sir, that is a point which no party can take exclusively to itself. The Republican party need not suppose for a moment that it is any less of a spoils party than the Democratic party. You may call it the spoils system, the merit system, the political system; it is that plan of appointment which political managers think the best for securing and retaining their own power, and have tried to persuade the people is the best for securing and retaining efficient officers.

That is a matter of which both the two great parties have boasted for years. "Out they go, in we go," is a song that might have been sung by both parties in alternation back for many years. The people of the United States came to the conclusion a good many years ago that it was time to call a halt in that process. They believed that the great mass of the public offices had nothing to do with a man's party affiliations; they knew that there was no politics in the Army or Navy, and they wanted the civil service made like the military service; that efficiency in the discharge of ordinary official duties might be found in other fields than committee rooms, where political managers take note of efficiency in the primaries, in the secondaries, in the tertiaries, in the centenaries, that do their work before the citizens come together in regular caucus at all. They believe that you should find out whether a man was qualified for ordinary administrative work or not, by other processes than by inquiring how well he had "whooped up the boys" when the last election came. They believed that to have an army of office seekers haunting Washington at the beginning of every Administration, making the lives of members of Congress and of everybody else miserable, was not what the Government of the United States was constituted for.

The people believed that it was not right that the wheels of Government should be blocked the half of every four years by the needs of office seeking that were clinging round them; and if they ever doubted it the thing was clinched by the shot that killed President Garfield, which was sent by the mad passion of a disappointed office seeker. Accordingly a plan was devised—tentative if you will, imperfect if you will, reaching but a little way, yet still tending to the root and heart of the matter—that act which is the glory of the Democratic party, because it bears the name of George H. Pendleton, once the candidate of that great party for Vice-President of the United States. The civil-service law is called the Pendleton act, and let me tell you, gentlemen on this side of the House, with all your dislike of the merit system, the glory of that measure will cling to your party and you can not help it if you would. [Applause.]

Since that time both parties have administered the law; both parties have helped to extend it; both parties have helped to thwart it; it has had its failures and its successes; but I believe it has taken root, and no amount of topping off leaves and branches will ever operate to eradicate it.

[Here the hammer fell.]

Mr. COOMBS. Mr. Chairman, it was my intention to speak against the proposed amendment, and time has been assigned me (five minutes) for that purpose. I think, however, that I shall do a favor to this House and better help the proper understanding of the great question of civil-service reform, if I yield that time to the gentleman who is so eloquently addressing the House, and who is unable to conclude his address in his own time. Therefore, with the consent of the House, I yield my time to Dr. EVERETT.

Mr. EVERETT. I am much obliged to the gentleman from New York and to the committee. That law, sir, drawn up, I believe, by Dorman B. Eaton and carried through by Mr. Pendleton, realizes the idea in the country of what is called the merit system as opposed to the spoils system—the idea that the general appointment to the administrative offices of the country should be taken out of politics and put upon a basis with which politics has nothing to do. I say the Democratic party can not afford to do away with that system. The Democratic party can not afford to abolish the system which has been accepted and which has been working, however imperfectly, all this time.

And let me say more. It is, gentlemen, it is, Mr. Chairman, it is, my countrymen, the truly Democratic system, because it asks no qualifications for office but education—not a college education, not a training in the higher branches, but a training in the branches which are within the reach of every American educated in our public schools. The central government from the heart here goes forth to every section of the country. It goes to all the boys and all the girls without distinction of party, without political "pull," without glory in the "primaries," with nothing but American citizenship and American education; and it says to them, "All Americans are equal before the law in respect to office; and any American who can pass the standards that the public schools will train him in, shall stand on our rolls as eligible to public office in the United States." And it

will be found, if this system (whatever may have been its imperfections) is allowed to work its way, and when further legislation shall have strengthened the power of the Commissioners, that it is the most truly universal Democratic, American system of appointment to office that can be devised. [Loud applause.]

Mr. ALDERSON. Mr. Chairman, in my own time I desire to ask the distinguished chairman of the Committee on Reform in the Civil Service [Mr. DE FOREST] what disposition has been made by his committee of a bill introduced by myself on the 6th of September, 1893, repealing the civil-service law and providing for departmental examinations in lieu of the examinations now held by the Civil Service Commission?

Mr. DE FOREST. My impression is that we laid that bill on the table—acted unfavorably upon it.

Mr. ALDERSON. Mr. Chairman, we are told by the chairman of the committee that this particular bill was laid on the table—was acted upon unfavorably. I take it that there has not been any report from the committee upon it at all. Is that so?

Mr. DE FOREST. There has been no report.

Mr. ALDERSON. Mr. Chairman, I would prefer, much prefer, to have a direct vote upon the question as to whether the Civil Service Commission is or is not to be continued.

Several MEMBERS. That is the question.

Mr. ALDERSON. But if it be true that bills bearing on this subject are to go to the Committee on Reform in the Civil Service of this House, and are there to be pigeonholed, not merely for weeks, but for months, and that we are never to have any report upon them from that committee, we will be deprived of the opportunity to vote squarely upon the question of repealing the civil-service law so long as this committee, as at present constituted, shall exist.

Mr. DE FOREST. Is not the gentleman aware of the fact that it is not customary to report back measures which are unfavorably considered?

Mr. ALDERSON. I have permitted the gentleman to interrupt me, although he was not so courteous when he had the floor and when I asked to interrupt him. But, Mr. Chairman, I undertake to say that it is the duty of the Committee on Reform in the Civil Service, and of every other committee of this House, and of every committee of any other legislative body, to report back every bill which may be referred to it favorably or adversely or with amendments. A committee room is not intended to be a graveyard for bills introduced.

I said, Mr. Chairman, that I would have preferred to have had a direct vote on this question. But if we are not permitted to knock out this Civil Service Commission as now conducted and this civil-service law as now administered, which, in my opinion, is the monumental sham, fraud, and humbug of the nineteenth century—if we can not have the opportunity to knock the law and Commission out upon a square vote, I propose for one to do what I can in the direction of starving it out, by voting to strike out the appropriation for its support.

Mr. Chairman, I had desired to offer as a substitute for the amendment now pending the bill which I introduced and which was referred to the Committee on Reform in the Civil Service, and which has not been reported back, either favorably or unfavorably. This bill is very short and to the point. It reads as follows:

A bill to repeal the act approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," and all other acts relating to the same subject, and to provide for departmental examinations.

Be it enacted, etc., That the act approved January 16, 1883, and all other acts amendatory thereof or relating to the same subject-matter, are hereby repealed.

SEC. 2. That each member of the Cabinet may, at his discretion, provide for the examination of persons to be appointed to positions in the bureaus and Department under his control or supervision, and he may provide suitable rules and regulations to govern such examinations and appointments.

In the short time allotted to me it will be impossible to discuss at length the question now engrossing the attention of this House. I desire to say in reply to the distinguished gentleman who has immediately preceded me [Mr. EVERETT] that his remarks were exceedingly eloquent; and if all mankind were as near perfection as the gentleman himself is, and if it was true that the practical operation of this law had been the working out of the many satisfactory results which he had pictured, there might be plausibility in the position which he has assumed. But so long as human beings are human beings they will, I take it, be influenced and controlled by personal and political considerations. Until the millennium comes, human nature will be human nature. The history of the Civil Service Commission and the operation of the civil-service law have demonstrated that the system is impractical and impracticable.

I assume the position that the Administration in charge of the Government can no more expect to be successful when unfriendly agents are selected to carry out its policies, than can a merchant or a gentleman engaged in any other vocation

in life expect that his business will be a success if his employees are interested in seeing that his business is a failure.

Mr. Chairman, I do not wish to be misunderstood in respect to my position upon this question. I know that it is common and fashionable to denominate as "spoilsmen" all gentlemen who object to the present civil-service law and the manner of its execution. I am not an enemy of civil-service reform—of genuine, honest, and real civil-service reform—but I am opposed to Phariseism, hypocrisy, shams, and humbugs, no matter in what form they may be disguised or in what raiment they may be clothed. The experience of the country is that the present administration of the civil-service law is, and has been in the past, no more nor less than the culmination of a scheme to retain Republicans in office and to keep Democrats out.

The people of this country have no confidence in the Civil Service Commission as at present constituted, and I believe are justified in this lack of confidence.

There is not a peanut-vender on Pennsylvania avenue who could make a success of his business if he was driven to resort, for the selection of a subordinate to assist him in his vocation, to a list of persons who had passed catch-question examinations, made by persons not named by himself, and containing the names of persons who were interested in and desired that his business should be a failure; and that is what the civil-service law as administered means as applied to government.

We have a Democratic Administration—that is, the people voted to have a Democratic Administration—and yet two of the three Civil Service Commissioners, Messrs. Lyman and Roosevelt, are Republicans; and they, through their appointees, hold civil-service examinations and furnish to the Departments lists of eligibles from which selections must be made of persons to fill vacancies in positions in the Departments.

I would like to inquire who would know best, or who would be best qualified to select a man to fill an \$1,800 position in the Treasury Department—for instance, John G. Carlisle or examiners selected by the Civil Service Commission? Yet, if Mr. Carlisle desires to make an appointment of the character named, he must call upon the Civil Service Commission for a list of eligibles and must appoint somebody whose name is furnished to him. He can not have, and does not have, any sort of assurance, after he has made the selection in the manner indicated, that the person appointed is not an enemy to the Democratic Administration and does not desire that Mr. Carlisle's administration of the affairs of the Treasury Department and Grover Cleveland's administration of the affairs of government shall be a failure, and when a Democratic member of Congress goes down to the Department to transact business, and is referred to one of these subordinates for information, or to have action taken respecting the interests of his constituents, he does not know and can not know whether he is talking to a Republican spy or to a person in sympathy with him and with the desires of his constituents.

A number of instances have occurred in which Democratic members of Congress have requested action to be taken for political reasons, and have afterwards ascertained that their appeals had been made to Republican officials.

And then, Mr. Chairman, under the scheme in vogue there can not be, and is not provided, any method for the ascertainment of the moral qualifications of the persons selected for office; and therein lies one of the chief objections to the system.

If a spittoon-cleaner is desired to be appointed, or a man to be selected for any menial position, the officer or person desiring to make the appointment does not wish to select a thief; and under the present system there can not be any assurance that a thief has not been selected. In a conversation had quite recently with one of the leading, most level-headed, and ablest men of the country, this view of the matter was expressed to me, and it made such an impression that I can not forbear reminding the committee of this objection to the present system.

Let us see what had been the practical operation of the civil-service law. In the first place, the Departments were filled up with Republicans, and then the civil-service law was made to apply to the Departments. The persons in office when the civil-service machinery was placed in operation were not required to stand any examination. If a man wants to be appointed to a place now, he must stand an examination as to his qualifications, etc., and then he must wait until one of the fellows dies who was in office when the law was made applicable to the Department to which he desires appointment before he can hope to be appointed. If your son or mine desires a place in the public service, and such a wish should be commendable and encouraged, he can not expect to have his ambition gratified, until some Republican, who has not stood any examination, is, by dispensation of Providence, "removed," and then there is a chance for appointment.

This statement of the case explains why it is that four-fifths

or even a larger per cent of the positions in the Departments are now held by Republicans.

Within the last year one of my Democratic constituents, a good, well-qualified, and deserving man, who has fought for tariff reform under the Democratic banner for the last thirty years, wanted to be appointed to the position of cabinetmaker in one of the Departments. I endeavored to have a Republican who held the place removed, and my Democratic friend appointed, but was blandly told that the Republican brother was protected by the civil service; that the position was embraced within the operation of the civil-service law.

Mr. Chairman, imagine for an instant the picture presented, when the grave and dignified and intellectual Civil Service Commissioners are in person or by proxy examining a man to ascertain his qualification for the position cabinetmaker! I have endeavored earnestly and assiduously to explain to my Democratic constituent why he could not get the place; but the explanation does not explain. A Democrat comes down to Washington, after having fought Democratic battles and met defeat for thirty years; he stays for a week, or for a month, if his money lasts that long; the Democratic Senators from his State and his Democratic Representative endeavor earnestly and in good faith to secure for him a position. He thinks he is entitled to it. They are of the same opinion. He can not succeed, because Republicans hold the offices under a Democratic Administration—Republicans who did not stand civil-service examinations. He is disappointed; he goes home and tells his neighbors about it, and they come to the same opinion that I have expressed, when I said that the civil-service law, as at present administered, is the monumental fraud, sham, and humbug of the nineteenth century.

I would like to ask you gentlemen who favor civil-service reform of the kind now in existence what you intend to do with the persons in office and protected by its provisions when they grow old and are incapable of service? Will you pension them? Why not? If the system is right, it is right to pension them. They have served their country, disinterestedly, and for years, and from your standpoint have not been influenced in the sacrifices they have made for the Republic because of the pecuniary consideration involved.

Mr. Chairman, if the civil service law is a good thing and can produce advantageous results as applied to a \$900 clerkship, why would it not be productive of good results to have a board constituted and have persons examined as to their qualifications to fill Cabinet positions, or to be Representatives in Congress, or Senators of the United States? Why not make the law apply to persons who want to be President, or want to be Civil Service Commissioners even?

"It is a poor rule that don't work both ways." If these incongruous and impracticable rules produce good results as applied to subordinate positions, the results would most assuredly be greater and more desirable if applied to higher positions. It is more important, much more important, to have a man well qualified for President or Senator than it is to have a cabinetmaker well qualified.

This argument may appear silly to theorists and doctrinaires; but nevertheless it is a good argument. I do most earnestly protest that the civil-service rules shall never be applied to candidates for Congress, else my constituents would probably be deprived of my most valuable services, and many constituencies in other parts of the country might go without representation, if catch-question examinations were the order of the day, as applied to us.

If we intend to act in accordance with civil service methods and be consistent, we should first fill all the offices, from President to constable, without any examinations as to qualifications and then make civil service rules apply and protect and keep the same persons in office from top to bottom for life; and after we had applied civil service principles to all the offices, we would surely have such a privileged class as would suit the ideas of the most fastidious and cranky "civil service reformer."

I have said that the civil service law has been badly administered. I do not now have the time to recount the numerous ridiculous incidents which have come under my own observation, going to prove the truthfulness of this assertion; but I will be permitted, I trust, to recount a few instances of the character named. I know of a case in which the President of the United States removed a postmaster upon charges which did not affect his official action nor relate to him or to his conduct in any particular, but referred and related entirely to misconduct or incompetency on the part of his subordinates, who had been appointed by him before the office was placed in the classified service, and they were protected by the civil service law.

The postmaster was removed, I presume, because he permitted such incompetent and inefficient subordinates to remain in the office; and yet three of these selfsame subordinates, all Re-

publicans, were the examining board to examine persons to go on the eligible list and take their places, when they died or were otherwise "removed;" and also to examine persons who desired to be letter-carriers in the office. What think you of such a system as that, Mr. Chairman?

I know a case in which a young man of excellent family, good education, splendid capacity, and of experience as clerk in a post-office, failed to pass the civil service examination. He was afterwards appointed to one of the excepted places in the Post-Office, and is now performing service faithfully and efficiently and to the satisfaction of all concerned.

I was told by a gentleman of a case in which a young lady took an examination in one of the States for appointment to a clerkship in one of the Departments. The per cent given her upon the examination was 96. She was a Democrat and stood at the head of the list; her State was entitled to an appointment; her name was three times certified for appointment, along with the names of two other people; she was as often turned down. A lady was appointed in her stead who was a Republican and whose grade was not so high, and she was accredited to the State of the lady first named, although she resided, and always had resided, in the District of Columbia. This occurred under the former and Republican Administration.

I know a case in which a postal clerk of experience and good capacity was turned out under the last Harrison Administration and a Republican selected under civil service appointed in his stead.

The civil-service man could not discharge the duties. The discharged clerk was a Democrat. The Department called on the Democrat to teach the Republican who took his place how to discharge the duties of the office. He did so; was again discharged, and has never been reinstated.

While upon the subject of postal clerks, and in answer to the argument that the civil service provides and secures better and more efficient service than the system under which the Government was conducted satisfactorily for more than a hundred years by our forefathers, I desire to call the attention of the committee to a table contained in the report of the General Superintendent of the Railway Mail Service for the year ending June 30, 1893.

This table shows that 8,026,837,130 pieces of mail were distributed in 1889, and that 1,777,295 errors were made in that year. This was before the wholesale discharges were made by the Republican Administration and the civil-service law applied to the Railway Mail Service. In 1890, after these discharges of competent Democratic clerks by the Republican Administration, but 7,847,723,600 pieces were distributed, and 2,769,245 errors were made—increased errors of 991,950 in one year under the operation of the civil-service law. These figures speak for themselves, and are most assuredly a complete answer to the claim that there is better and more efficient service under the new system than that which prevailed before 1889. And while upon the subject of postal clerks, I desire to incorporate in my remarks the following publication from the Washington Post of February 14, 1894:

CIVIL SERVICE AS IT IS—A FEW FACTS ABOUT THE CLASSIFICATION OF MAIL CLERKS—LYMAN THE ENTIRE BOARD—CONTRARY TO THE EXPRESS PROVISION OF THE LAW, HE CONSTITUTED THE COMMISSION—HIS DILATORY BUSINESS METHODS—HOW THE NONPARTISAN IDEA IS PUT INTO PRACTICE—THE PENALTY OF TELLING THE TRUTH ABOUT THE COMMISSION AND A CERTAIN DEAL.

"I see," said Mr. Cumming, the promotion examiner of the Treasury Department, "that Mr. Theodore Roosevelt, in a letter objecting to the Honk bill with reference to the reinstatement of the railway mail clerks, states that the classification of the Railway Mail Service was ordered by President Cleveland to take effect on March 15, 1889; that it was absolutely impossible for the Civil Service Commission to complete the classification by that date, and that in consequence it was deferred until May 1. This statement is misleading in what it contains and in what it omits, and presents a highly inadequate picture of the spoils system in active operation in the spring of 1889.

"The facts are somewhat as follows: On January 4, 1889, President Cleveland ordered the classification to take effect, as he supposed, on February 15, 1889. By some mistake the date was made March 15, 1889. The Civil Service Commission then consisted of only two members, Messrs. Edgerton and Lyman. Some time in February, through the instrumentality of Mr. Morgan, a Democratic clerk on the Commission's force, the President was informed that no steps were being taken to hold examinations and secure lists of eligibles by the prescribed time. Owing, it is said, to an unsatisfactory interview on this subject with Mr. Edgerton, who might naturally have been expected to be zealous in protecting Democratic employes in office, President Cleveland dismissed him. As the result of this proceeding, and of the Senate's failure to confirm George Thompson's nomination, made immediately thereafter, the Commission consisted solely and exclusively, until about the middle of May, of Mr. Lyman."

AN INFRACTION OF THE LAW.

"But how could that be," Mr. Cumming was asked, "when the law makes provision for three?"

"It could not be," replied he. "Like the man whom the lawyer told him he couldn't be put in jail. He was, however, and so that was. Just listen to the first clause of the civil-service law: The President shall appoint three persons, 'not more than two of whom shall be adherents of the same party and said three Commissioners shall constitute the United States Civil Service Commission.'"

"But to return. On March 11 after more than two months of dillydallying,

and four days before President Cleveland's order should have taken effect, President Harrison was informed in writing by Mr. Lyman, the sole Commissioner, that it would not be possible to have the list of eligibles ready before May 1. I was during that entire period, and for a year and a half thereafter, chairman of the central board of examiners of the Civil Service Commission. I was away on leave, and holding examinations from Virginia to Texas, inclusive, between January 1 and about March 20. I had examined at least a dozen Texans and a lot of Tennesseans for the Railway Mail Service, and other examiners had held examinations in other States. On my return to Washington, sometime late in March, I found that no effort had been made to mark any of these papers, and that the marking of the regular departmental papers was way behindhand.

"You got at them at once, of course?"

MR. LYMAN'S BUSINESS METHODS.

"Not by a decided majority. The board was always subject to the orders of the chief examiner, W. H. Webster, so far as concerned the work to be done. Although—not to speak of the Railway Mail papers—the work on the regular departmental papers was greatly in arrears. I found that he had ordered one of the most efficient members of the examining board to rearrange the old examination papers in the Commission's vault, and to make selections from them for publication in the next report of the Commission, which would come out late in the summer or fall.

"Two or three other members of the board were put at work getting up examination questions for candidates for the position of post-office inspector—a business that could have kept without spoiling for two or three months. One or two others were sent out on examination trips, and during most of this time we were ordered to mark the departmental papers, giving them the preference over the railway mail. I don't often indulge in herculean tasks, and never take a pride in work for its own sake; but, if I hadn't got two or three members of the board switched off on these railway mail papers with me, and hadn't put in full time week days and Sundays, during the month of April, I believe Mr. Lyman would have been in a position to state to President Harrison that the classification couldn't go into effect until June 1."

"You saved your distance, however, didn't you?"

CIVIL SERVICE AS MR. LYMAN SEES IT.

"Yes. But by this time the deed had been pretty effectually done. A few days after Mr. Lyman told us that, according to his information, out of 4,500 clerks in the Railway Mail Service, the Democrats had, on retiring, left 1,500 Republicans in office; that now, in May, the Republicans had left 1,500 Democrats in office; and that he thought that was about fair. In other words, after six weeks of Republican rule, there were as many Democrats left in as there were Republicans left in after four years of Democratic rule."

"Did that strike you as indicating a partisan leaning on his part?"

"At least, it sounded as if, while constituting the entire Civil Service Commission, more than two out of three of him were adherents of the same party."

"But it seems from Mr. Roosevelt's letter that 2,300 Democratic clerks were discharged, instead of 1,500."

"In all probability," remarked Mr. Cumming, "that was all there were."

"What became of Morgan, the clerk who undertook to inform Mr. Cleveland that his order would not take effect on time?"

"He was degraded from the position he held as stenographer and certification clerk to that of typewriter; was compelled, in consequence of his treatment, to get a transfer to the bureau of the mint at a loss in salary of \$300, and his place was illegally filled with a Republican clerk who didn't possess the qualifications called for in the appropriation bill.

THE PENALTY OF TRUTH.

"Another Democratic clerk, who had made himself offensive by outspoken remarks on the Commission's active cooperation with Clarkson's raid on the railway mail, was treated in an even more insulting manner, and was offered the alternative of discharge from the service or the acceptance of a position in the War Department—to which he was highly recommended by the Commission—at a loss in salary of \$400. I may remark right here that in a year from that time the first clerk was promoted by the Republicans in the Treasury Department to a clerkship of \$1,800—the grade he had lost, and that the second attained almost the highest, if not the very highest, mark for efficiency among those of his own grade in the Adjutant-General's Office."

"I see, Mr. Cumming, that Mr. Roosevelt says in his letter that the discharged Democratic mail clerks 'who were honest, capable men, have now, five years after their discharge, undoubtedly secured places, where they are at work at good salaries.'"

"Instead of 'undoubtedly,'" replied he, "why didn't he say 'certainly'?"

"Why didn't he add that he knew of his own knowledge that these good salaries were paid with exact regularity during the panic and starvation times of the past and present years? Why didn't he observe that this was particularly true throughout the Southern and Western States, where many of these discharged Democrats resided? These victims of a civil-service reform Administration might at least be spared the additional infliction of such ridicule as this."

Mr. Cumming knew what he was talking about. He had the means at hand of knowing the facts, and his interview exposes the unfairness and rottenness of the conduct of the Harrison Administration respecting the removal of postal clerks in 1889.

I have no disposition, Mr. Chairman, to assail personally the gentlemen who compose the Civil Service Commission. I have said that the people of this country are lacking in the confidence which they should have in the Civil Service Commission, in order to insure satisfactory results from their official acts. Two of these gentlemen are Republicans. Hon. John R. Proctor, the one of the number who is said to be a Democrat, is quoted in the Washington Post as having stated as follows to a Post reporter about the time of his appointment:

"I have always endeavored to give the Government the benefit of the best talent available, irrespective of political affiliations," said he in conversation with a representative of the Post.

The men occupying the three chief positions under me in the geological survey of Kentucky were Republicans, while I am a Kentucky Democrat. I chose them purely on account of their fitness. I met with not a little opposition in the pursuance of this policy, but for thirteen years I held to my convictions and triumphed."

It does not seem strange to me that Democrats should wonder why it is that in the great State of Kentucky, abounding in intelligence and ability, and with its immense Democratic major-

ity, Mr. Proctor found it necessary to retain, in the three chief positions under him, Republicans. With due respect to Mr. Proctor, such a statement is not complimentary to the Democrats of his State or to their intelligence. My experience with civil-service reformers, as a rule, is that if they claim to be Democrats, they usually retain in office under them as many Republicans as possible, as an earnest of their freedom from partisanship, and as an evidence that they are real, genuine, heart-and-soul civil service reformers.

Republican reformers kick out all the Democrats they can and appoint Republicans. It would seem that Mr. Proctor has been "so straight that he has leaned backward." With this kind of a Democrat and two avowed Republicans as Civil Service Commissioners it is not strange or wonderful that the great Democratic masses of the country do not have unbounded confidence in the Civil Service Commission.

It may not be out of place to refer to the fact that when Mr. Lyman was a member of this same Commission years ago his official conduct was investigated by a committee of the House of Representatives, the Committee on Reform in the Civil Service. The committee reported a bill modifying the law and curing admitted defects; but the bill was never considered, and the law remains unchanged. The committee was composed of the following members:

Select Committee on Reform in Civil Service.—Herman Lehlbach, of New Jersey; Thomas M. Bayne, of Pennsylvania; Benjamin Butterworth, of Ohio; Albert J. Hopkins, of Illinois; F. T. Greenhalge, of Massachusetts; John Sanford, of New York; John Lind, of Minnesota; Samuel M. Stephenson, of Michigan; George W. Dargan, of South Carolina; William J. Stone, of Missouri; John D. Alderson, of West Virginia; John F. Andrew, of Massachusetts; Charles J. Boatner, of Louisiana.

One of the charges investigated was to the effect that one Alex. C. Campbell, a brother-in-law of Commissioner Lyman, had copied questions to be used at an examination and furnished them to a young lady, who in turn furnished them to one Flynn, who was engaged in coaching persons who contemplated taking civil service examinations, etc. This charge has been fully sustained by the proofs taken before the committee, Commissioner Lyman having testified himself. Flynn offered to sell the questions to a young lady named Dabney. She refused to purchase them, but when she took the examination she recognized the questions as the same shown to her by Flynn.

It appeared from the evidence that Mr. Lyman, and the then other commissioners acting with him, became acquainted with the facts above stated. It also appears that brother-in-law Campbell was not discharged, but was promoted. The Committee on Reform in the Civil Service of the Fifty-first Congress, to whom I have above referred, made a report, after investigating the Civil Service Commission and examining 24 witnesses, in which they say, in speaking of the action of Commissioner Lyman and the other commissioners then associated with him, among other things:

"The omission to ascertain whether the questions were for use or to be used at an ensuing examination was a palpable neglect of duty, etc.

If the administration of the civil service was not to fall into disrepute Mr. Campbell should have been dismissed. His retention indicated gross laxity in discipline and shows that the administration of the Commission was not such at that time as to receive or merit public confidence.

One of the charges against the Commission was that Mr. Campbell was not only retained, notwithstanding his offense in the matter of copying and giving out the questions, but that he was promoted. In view of the fact that Campbell had been guilty of conduct which was calculated to destroy confidence in the integrity of the administration of the Commission, his promotion would seem not to have been defensible.

"It is submitted that if the Commission had discharged its duty with proper vigor and regard for the public, it would have become manifest that Campbell's retention was not defensible, and it would seem to follow that if his retention was not proper his promotion was not warranted.

"Your committee can not accept as satisfactory the answer of Messrs. Oberly, Lyman, and Doyle, that they believe that the questions Campbell copied were obsolete. The facts disclosed to your committee convince them that the omission to ascertain the truth was as reprehensible as to have disregarded it after it had been ascertained, and is little less culpable; and whether they failed through indifference or partiality to learn the facts, or, knowing them, failed to take such action as the public service obviously demanded, is not a matter of great consequence; the neglect of duty in either case is condemned."

It is fair for me to say that I did not concur in above report, because I thought it too moderate in tone, and believed that the testimony taken upon this investigation demonstrated that the civil-service law should be repealed and the Commission abolished.

And Mr. Lyman is still a member of the commission—the same Mr. Lyman whom Mr. Cumming says stated that according to his information "out of 4,500 clerks in the Railway Mail Service the Democratic Administration had on retiring left 1,500 Republicans in office; and now, in May (1889), the Republicans had left 1,500 Democrats in office." In other words, after six weeks of Republican rule there were but 1,500 Democrats

left in office. The Democrats left 1,500 Republicans at the end of four years, and the Republicans had left 1,500 Democrats at the end of six weeks.

The other member of the Commission is Mr. Roosevelt. He needs no introduction to the public. His impulse to talk and to rush into print is so uncontrollable that every man, woman, and child in America, except such as are deaf and can not read, know of him. He and Mr. Lyman were two of the three members of the Commission when it investigated the Milwaukee post-office.

It appears from the investigation of the Committee on Reform in the Civil Service that one Shidy, an appointee in the office, and connected with the civil service, had persistently and continually violated the law.

So earnest and anxious were the civil service ferrets to ascertain the reason for the discharge of some Republicans from the post-office, and the appointment of a few Democrats, that Shidy, a self-confessed scoundrel and perjurer, was not only promised and assured protection and immunity from punishment if he would tell the truth (?), but was recommended by Messrs. Roosevelt & Co. for appointment in Mr. Porter's Census Bureau, and was appointed to a position in the Census Office. In return, and as a consideration, Shidy swore in substance that he was encouraged or influenced by the postmaster to violate his oath and the civil service law.

Mr. Chairman, district attorneys, commonwealth attorneys, and prosecuting attorneys have in exceptional instances felt justified in permitting a *particeps criminis* to escape in order to vindicate the law and bring criminals and malefactors to judgment. Officers charged with the execution of the law have found it necessary in the interest of the preservation of society and the common good, sometimes apparently to compromise with crime and criminals to bring to justice the arch scoundrels, but it remained for a commission of three, with Messrs. Roosevelt and Lyman upon it, to hold out to a self-confessed perjurer and corrupt public official the promise and hope of elevation to office if he would tell the truth; and the truth was, as he told it, that he was but a tool in the hands of the postmaster, and violated his oath of office persistently and pertinaciously because he believed that the postmaster desired he should do so.

If it was right to give Shidy a position, in order to induce him to say that he was influenced to violate the civil-service law, on like principles it would have been the proper thing if Bob Ford had been promised and given high position to betray and assassinate Jesse James.

Mr. Chairman, there is published in the city of Washington a nonpartisan and great daily paper—the Washington Post. The energy, the fairness, and the ability of its management and editorials is and has always been recognized.

This same paper was published in 1890 in similar manner, and edited with like ability, and the knowledge that Hons. Frank Hatton and Beriah Wilkins, both men of national reputation, conducted the paper, gave an assurance to the public that a true and honest account would be made of public events and that fair, unbiased, and unprejudiced criticisms would be made of the acts of public servants. I here quote two editorials from the Post upon the subject of the operation of the civil service law and the investigation to which I referred. The first is taken from the edition of March 2, 1890, and the other from the issue of the day following:

THE ROOSEVELTS AND SHIDYS OF REFORM.

Theodore Roosevelt, of New York, and Hamilton Shidy, of Wisconsin, are at this moment the two most conspicuous civil service reformers in the land.

But when they are put in contrast with each other, distinct points of difference are brought out in bold relief.

Described in horseman's phrase, Roosevelt is a thoroughbred with a blemish, and Shidy a duffer, with the pole evil.

Shidy, in his capacity of civil service reformer, does not permit belief in the refining influences of the ambiguous civil service law or of the elaborate civil service rules, or of the brain-confusing and mind-misleading civil service regulations, to deter him from violating the law, disregarding the rules, or ignoring the regulations. He is one of those men who would never win by honest devotion to any cause the martyr's crown, but for money he would serve the devil and at the same time be devoted to the Lord.

But for one fact his direct descent from Iscariot might be affirmed upon the doctrine of heredity. He is a rascal, but he is unaware of the fact. He would betray any cause; become a party to any violation of law; swindle merit out of its rights, and cheat in the interest of inefficiency rather than lose his place in the public service, and yet he has no doubt that his honesty is at par and that integrity is a striking feature of his character.

In the company of other reformers he would be recognized as an enthusiastic devotee of the cause, and the next moment would gerrymander eligible registers, pad fraudulent certificates with the names of cheated eligibles, and violate the reform law in all its most essential provisions. In a company of saints he would be recognized and accepted as one of the most devout; but, wearing a sanctimonious visage, his eyes upturned, he would seem to be saying always: "In the name of God. Amen! Let us rob somebody!" He is a compound, the ingredients of which are good and bad, the bad being about 99 per cent of the whole mass. His record is nasty. We handle it with disgust, and throw it down, rubbing the nastiness off our hands, saying:

"And smelt so? Pah!"

Roosevelt is another kind of a reformer. True, he, like Shidy, is loudly devoted to the devious methods of the civil-service law, but he is not a mean reformer of the baser sort. He does not, like Shidy, violate the law and

outrage it in a shameful manner. He could not be guilty of the penurious impulses that make the Shidys of reform low fellows with itching palms. He is the golden-fleece bellwether member of the United States Civil Service Commission. In him are combined in about equal parts the dash and recklessness of Hotspur and the foppishness of the popinjay who pestered the hot-headed Percy on the battlefield. He is the "curled darling" of the reformers if he does wear short hair, and although he acts now and then the part of a sword-and-buckler politician he oftener enacts the part of the political dupe, and, posing, says with an air of reform languor: "Well, really, it is too bad that the naughty spoliemen should say so and do so; and therefore we must proceed to find out things, don't you know? and talk about them, don't you see? so that the Democrats and other spoliemen may be injured, can't you understand? We mustn't hurt our own friends, because don't you observe, reform of the civil service means, among our set, exposure of the spoliemen and concealment and reward of the offenses of the reformers? But we are devilish shy about this and we deny it shrewdly when it is charged upon us. I hope you grasp my meaning. We must reform the other fellows, or else the country will be lost; but we must say to our fellows, 'Now, really, you must be good,' and then we must wink at them, so that they may be encouraged to continue their reform work in the old way." And thus the dainty Roosevelt goes on officially hypocritizing, talking incessantly, talking all day long, and talking in his sleep, most of the time using his own mouth as a trumpet to blow praises of himself. Certainly, it was of the mouth of Roosevelt that Burdette sang as follows:

His good strong mouth! He wields it well!
He works it just for all its worth;
Not Samson's jawbone, famed, could tell
Such mighty deeds upon the earth.
He pulls the throttle open wide,
And works it hard from side to side.

Up hill and down, through swamp and sand,
It never stops, it never balks;
Through air and sky, o'er sea and land,
He talks, and talks, and talks, and talks;
He talks, and talks, and talks, and talks;
And talks, and talks, and talks, and talks!

But the beloved Roosevelt does more than talk. Smilingly pretending fairness and saying, "How is it with thee, brother?" industriously he keeps putting his knife into the Mugwump's side, under the fifth rib, clear to the hilt. At times bold in honest action, in his reform meanness he is as cautious as a tomcat walking noiselessly over soft carpet to get his teeth into the neck of a canary bird. If Roosevelt were a house robber, he would jauntily discourse of honesty at the front door of the house he intended to rob, and then singing a roundelay

Oh, how honest a lot are we!

would noisily disappear around the corner into the alley, and get into the house, upon some plausible pretext, by a back door; but if Shidy were a burglar he would wait for darkness and break into the house with a jimmy and other robbers' tools. If caught in the act he would declare that he had done no wrong; that he had been coerced to enter the door or window, and his sensitive soul would be shocked by the suspicion that he had in any sense disobeyed the command, "Thou shalt not steal."

These men, the Roosevelts and the Shidys, and such as they, have brought reproach upon the civil-service reform cause, and have made it a stench in the nostrils of the people. They have shamed it into suicide. It should be carried out and be buried according to "crown's a quest law."

HAVE THE POST-EWART CHARGES BEEN SUSTAINED?

There are certain civil-service reform "forgers of lies" who are making, industriously, the statement that all the charges heretofore preferred against the Civil Service Commission by the Post and Congressman Ewart have been disproved by the testimony that was taken last week by the House Committee on Reform in the Civil Service.

Exceedingly skillful mechanics are all these reform lie-makers, but in making this statement they have blundered in such a way as to expose themselves to shame.

And now let us try the issue thus made up by a brief review of the testimony in reference to two of the charges—the Campbell and the Shidy charges.

1. Take the Campbell charge. Has it been disproved?

Let us see. The testimony shows that Campbell, who is Commissioner Lyman's brother-in-law, took out of the files of the Commission, secretly, a set of clerk-examination papers, of the series at that time current; that secretly—acting just as any other man would have acted if engaged in a dishonest or otherwise disgraceful action—he copied this set of clerk-examination papers, and without the consent or knowledge of the Commission, or of any other person than himself therewith connected, gave this copy to a friend of his, an applicant for a promotion that could have been obtained in no other way than by passing the clerk examination, thus giving to said applicant, in a manner contrary to one of the penal provisions of section 5 of the civil-service law, special and secret information for the purpose of improving said applicant's chances in an examination.

The testimony shows, also, that this copy of this set of clerk-examination papers, then of the current series, found its way, by the hand of Campbell's friend, into the hand of Prof. Flynn, a person who coaches applicants for appointment to the grade of clerk in the classified Departmental service. From Flynn this copy was obtained and was given to Mr. Oberly, who was then one of the Commissioners, and by him it was laid before the Commission, at which time it was examined by Commissioner Lyman, who then recognized the handwriting thereof as the handwriting of Campbell, his brother-in-law.

The testimony shows, also, that Commissioner Lyman did not inform his colleagues, or any one else, of this fact; but kept it a secret until the fact had been discovered by an investigation made, without his cooperation, by Commissioner Oberly and Secretary Doyle.

Then Commissioner Oberly inquired into the matter and ascertained that Campbell had been guilty of what Commissioner Lyman designates as a gross breach of discipline, and Mr. Oberly as an indiscretion and a wrong act.

Commissioner Oberly informed Commissioner Lyman of his conclusion, and Campbell's offense was condoned.

Afterwards, when Commissioner Lyman was sole Commissioner—at a time when two vacancies existed in the membership of the Commission—he promoted Campbell to a \$1,200 place, when there were other clerks of the Commission more competent and far more worthy than he, who were receiving at that time less than \$1,200 a year.

The testimony of Campbell, on his own behalf in this matter, proved him to be at once stupid and unprincipled. He attempted to deny his before-confessed offense, and in doing so stood exposed before both the committee and the Commission as a man unworthy belief even when under oath and facing the pains and penalties of perjury.

Now, what thus has been shown?

1. That current examination papers of the Commission were purloined and copied secretly and the copy given without the consent or knowledge of the Commission as secret and special information for the purpose of improving a certain applicant's chances in an examination. 2. That Campbell, a clerk of the Commission, was guilty of this act. 3. That Lyman, having discovered this fact by recognizing the handwriting of Campbell, kept his knowledge of the fact from his colleagues, because Campbell was his brother-in-law. 4. That Commissioner Oberly also discovered Campbell's guilt, and decided that Campbell had committed an offense, in punishment of which he should be reprimanded, not dismissed—a decision that was far more complimentary to Commissioner Oberly's heart than to his head—that, probably, gave him credit with a class of wet-eyed sentimentalists, but certainly discounted his common sense nearly 100 per cent. 5. That, afterward, when Lyman was the only member of the Commission, Oberly having resigned and Edgerton having been removed, and when there were worthy and competent clerks of the Commission occupying places below the grade of \$1,200 per year, he promoted Campbell, who had been guilty of the offense stated, and who, besides being an untruthful and otherwise a bad man, was also a clerk of but little intelligence and incompetent in the performance of any but the simplest kind of low grade clerical work.

We submit that, according to this showing, the Campbell charge has been sustained in such manner as to convince all fair-minded people that both Commissioner Lyman, who concealed his knowledge of Campbell's guilt until it was discovered by another Commissioner, and Clerk Campbell, convicted of being guilty of the offense of giving out, secretly, information concerning examinations, should be put out of the public service.

The Commission can put out Campbell, and should act promptly. The President can put out Lyman, and The Post has no doubt that he will do so.

2. Now, take the Shidy charge. Has it been disproved?

Let us see. The testimony shows that Shidy was a clerk in the Milwaukee post office, and was secretary of the local board of civil service examiners for that office; that as secretary of that board he was an officer of the United States Civil Service Commission; that in the performance of his duties as secretary he was guilty of willfully and corruptly, by himself and in collusion with other persons, defeating, deceiving, and obstructing certain persons in respect of their rights of examination in accordance with the civil service rules and regulations; that he was guilty of willfully, corruptly, and falsely marking, grading, estimating, and reporting upon the examination and proper standing of persons who had been examined under said rules and regulations; that he was guilty of willfully and corruptly making false representations concerning persons that had been examined; that he was guilty of willfully and corruptly furnishing special and secret information for the purpose both of improving and of injuring the prospects and chances of persons who had been examined being appointed or employed in the public service; that, therefore, he was guilty under section 5 of the civil service law of a misdemeanor, punishable by a fine of not less than \$100 nor more than \$1,000, or by imprisonment not less than ten days nor more than one year, or by both such fine and imprisonment.

The testimony shows also that this unworthy, perjured officer confessed his guilt in 1888, and gave his testimony concerning his unlawful acts, and did this without being promised "protection" by the Civil Service Commission. This testimony was of record in the office of the Commission at the time Messrs. Roosevelt and Thompson became members of the Commission, and upon this record the Commission might have procured, and it was its duty to have procured, if possible, Shidy's removal from the civil service; but instead of taking this action the Commission allowed Shidy, under promise of his "protection," to reconfess and to re-give the testimony given by him in 1888.

The testimony shows also that the Commission, with full knowledge of the fact that Shidy had been guilty of penal offenses and of most flagrant and often repeated violations of the most important provisions of the civil service law and rules; that he had broken his oath of office, and had done so with full knowledge of the heinousness of that offense; that he was an utterly bad man, and as a public officer had been unfaithful to his trust in the superlative degree—with full knowledge of these facts, Commissioners Roosevelt, Lyman, and Thompson procured for him, under their unnecessary promise to protect him, a place in the Census Bureau; and in doing so did not inform the Superintendent of the Census of their protégé's bad character.

Now, what thus has been shown?

(1) That a subordinate officer of the Commission had been guilty of certain penal offenses, and had confessed himself to be an unfaithful public servant and a bad man. (2) That with full knowledge of this fact Messrs. Roosevelt, Lyman, and Thompson, Commissioners of the United States Civil Service, procured a place in the unclassified Departmental service for this unfaithful public servant and utterly bad man. (3) That this place was thus secured for this man under a promise to "protect" him—a promise there was no necessity of making, and which should have been made under no circumstances; that the making of such a promise to such a man under such circumstances was a high misdemeanor, and the keeping of such promise under any circumstances was a high crime.

We submit that, according to this showing, the Shidy charge has been sustained in such manner as to make it the duty of the President to reform the reform Commission by demanding the resignations of the Commissioners and reorganizing the board.

Certainly, all honest advocates of the cause of reform in the civil service will join with the Post in demanding reform in the Civil Service Commission, for that cause can not flourish in a soil of abuse or without the fertilizing influences of public approval and of the rain and dew of correct and honest administration. The rush can not grow without mire. The flag can not grow without water.

It is supposed that these editorials came from the pen of Frank Hatton, and Frank Hatton was a Republican. Frank Hatton is dead, and it is probable that there was more sincere and universal sorrow among the people when the news of his death went out to the world than if any other man among all the great American journalists had crossed over the river, because he was honest, manly, brilliant, courageous, and true to principle and to his friends.

Mr. Chairman, is it any wonder that the people of the country lack confidence in the Commission, and that the Democrats of the country believe that it is a partisan Republican machine? I believe Mr. Doyle is still secretary of the Commission—the same Mr. Doyle named in the report to which I have referred of the Committee on Reform in the Civil Service.

Mr. Chairman, why should not Democrats hold office under a

Democratic Administration? Why should not Republicans hold office under Republican Administration? The people of this country in 1892 declared in favor of Democratic principles, and of Democratic rule as well. They did not elect Grover Cleveland simply because he was Grover Cleveland, but because he was the nominee of the Democratic party and represented Democratic principles. They turned Benjamin Harrison out because he was a Republican, and they have declared by their votes that Democrats should be placed on guard all along the line. They do not get a change of rule if Republicans, through civil-service sham, or any other kind of hocuspocus, are left in places of honor, trust, and emolument, and in control.

The truth is, Mr. Chairman, that nine-tenths of the people of the United States, without regard to party, are opposed to this civil-service nonsense. It is a fact to be regretted that many men in public position lack the courage of their convictions and insist that the best and most honest way to show your devotion to Democratic principles is to retain all the Republicans possible in office. I have no sympathy with the idea that it is disreputable to enter into honest competition to secure position, and I have no respect for the chronic office seeker, in office himself, who complains that he is importuned and worried by his constituents who want office.

If the truth be known, it will appear as a fact that when the people of this country by their votes say that the principles of any party are wrong, they mean that there shall be a change in managers of government as well as a change in governmental policy.

We are taunted by Republicans that the Chicago platform commits the Democratic party to civil-service reform. So it does, but not to the impracticable, puerile, and unsatisfactory system now the laughingstock of sensible men, but to an honest, real, genuine, and common-sense plan, under which every citizen can have an equal and fair chance for preferment and under which the public service may be elevated and improved upon common-sense lines and according to common-sense principles.

Mr. Chairman, I have Republican friends; and it is the pride of my life that I have always received Republican votes when I was a candidate for office, and that I have received more Republican votes where the people have known me longest and best—at my home precinct, and in my home county, than elsewhere, and I will receive Republican votes in future; not because I am a sycophant and a hypocrite, but because I have honestly endeavored to be true to principle; because men who may not agree with me about the policies properly to be pursued in government have always known where to find me.

The Democracy won the elections in 1892. Why should we not have a Democratic Administration for which the people declared?

I do not state my position upon this question with a view of reminding the Republicans of a disagreeable truth. But I repeat it, Democracy won in 1892. I have never undertaken to deceive the people respecting my position upon any question; and my steady and unswerving adherence to Democratic doctrines has never been doubted or questioned.

And I will stand by my guns to the last, and if the time shall ever come when victory in politics shall mean defeat; when the people will not tolerate or permit the fruits of victory to be gathered by those who have borne the brunt of battle, and the laurels to be placed upon the brows of those deserving, then I will be willing to retire from the arena in which the wager of battle has been laid down and taken up by the greatest and proudest spirits the world has produced, and in which civil-service hypocrisy has had no place, and where the destinies of nations have been settled by honest and manly contention.

Mr. BRODERICK. Mr. Chairman, I have not had the advantage of hearing all the discussion upon this question to-day. I was absent from the floor and did not hear what was said by the gentlemen who first addressed the committee.

In common with most people of this country I had supposed that the principle of civil service was settled. So thoroughly have the people been satisfied with the merit system that every national political convention has for the last eight years unqualifiedly indorsed it. The conventions of the two great parties held in 1892 reaffirmed their adherence to the principle and demanded an honest enforcement of the law.

During the campaign which followed there was no intimation from the rostrum that civil service was to be abandoned by any party, but on the contrary, promises were made that there should be a faithful execution of the law. It is a significant fact that prior to the election there was no political party clamoring for spoils, and no public men advocating a return to the spoils system. But now, in an unexpected hour, this question is sprung on the Democratic side of the House and we are asked to destroy a system which we have all been declaring was for the best interests of the public service. And this for no other purpose than to provide places for new and inefficient employes.

There has never been the slightest difficulty in securing competent service in the Departments through the competitive examination, and there can be no other than a purely partisan motive in this attack.

If the representatives of the Democratic party continue the work here of overturning their platform declarations of 1892, I would like to inquire, at this stage, how much of that immortal instrument will remain unbroken at the close of this session?

A few weeks ago a bill was introduced in this House and referred to the committee upon which I have the honor to serve—a bill intended to weaken the civil service. I was a member of the subcommittee to whom it was referred, and addressed a letter to the Commission asking some information upon the subject. I hold the letter here in my hand and will in time have it read for the information of the committee. The letter is full of information, and is a complete answer to much which has been said by gentlemen on the other side.

Many criticisms have been made on President Harrison's Administration and the course pursued with reference to civil-service matters in 1889. This has been explained by the gentleman from Illinois [Mr. HOPKINS]. An order having been made by President Cleveland before the expiration of his term, which was to take effect on the 15th day of March, and the Commission not having time to make the classification under the law, asked President Harrison to extend it in order to give them sufficient time to perform the duties required of them by statute. This request was granted, and the time extended to May 1, 1889.

I am not going to say here that during that period there were not any removals. I am not going to undertake to justify all that was done during that period, although many were restored who had been unjustly removed from the service during Mr. Cleveland's Administration, and there were no greater violations of the spirit of the civil service at that time than there have been since the commencement of this Administration. In my own State last spring, after the appointment of a postmaster in Topeka, seventeen carriers were removed within ten days after he took charge of the office. New, and in most instances incompetent, men were appointed in their places. The principle of the civil-service law had been recognized in that city by the postmasters for at least eight years.

Mr. BOATNER. Were not they all Republicans who were removed?

Mr. BRODERICK. No, sir; I will explain that in a minute. I say the spirit of the civil-service system had been recognized there for eight years. During Mr. Cleveland's first Administration the postmaster at Topeka, who, of course, was a Democrat, retained three or four Republicans during the entire term. His successor, who was a Republican, retained from three to five Democrats, and last spring when the seventeen carriers were removed by the new postmaster fourteen of them were Republicans and three were Democrats. These three had been holding for seven or eight years. They were antifusion Democrats—that is, they were opposed to an alliance with the Populists. This being offensive, in the judgment of the reform postmaster, was the cause of their removal.

Mr. Cleveland's postmaster at Kansas City, Kans., as soon as he assumed control of the office, removed the entire force of Republican carriers wholly for partisan purposes. Similar action was taken by Democratic postmasters in 1893 in a number of cities, and, so far as I know, was never criticized by the Democratic press, or by anybody authorized to speak for the present Administration. The violation of the spirit of the law was so flagrant at Topeka that Mr. Cleveland removed the postmaster, but the carriers have not been reinstated.

I ask now to have read a letter from the Civil Service Commission to which I have referred, in response to my inquiry.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BRODERICK. I ask that the time be extended for five minutes.

Mr. COOMBS. How much time is remaining on our side?

The CHAIRMAN. Twenty-five minutes.

Is there objection to the request of the gentleman from Kansas?

Mr. BOATNER. I shall be obliged to object, because it will cut off other gentleman who desire to speak.

Mr. BRODERICK. It will come out of the time on this side.

Mr. BOATNER. I do not object if it comes out of the time allowed that side.

Mr. BRODERICK. I ask only two or three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BRODERICK. I now ask the Clerk to read the letter I send to the desk.

The Clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C. February 8, 1894.

DEAR SIR: I was much surprised at the receipt of your letter containing the account of the favorable report of Mr. Houk's bill, H. R. 4017, from the Committee on the Judiciary. I thank you for your courtesy in calling the matter to my attention. This bill is precisely similar to the one presented by Mr. BYNUM of Indiana, and referred to the Civil Service Committee, by which it has not been reported. I appeared before the Civil Service Committee in opposition to it, and I should certainly have appeared before the Judiciary Committee in opposition to this had I known there was any intention of acting on such a measure. I should like to be heard before the committee about it, but as this may now be impossible I will take advantage of your courtesy and give the following reasons why the bill should not be made into a law:

The classification of the Railway Mail Service was originally ordered by President Cleveland, to take effect on March 15, 1889. It was absolutely impossible for the Civil Service Commission to complete the classification by that date, and in consequence the classification was deferred until May 1, 1889, at which date it actually took effect (nine days before I myself was appointed Civil Service Commissioner). Advantage was taken of the delay in the classification to turn out twenty-three hundred Democratic clerks, replacing them, without examination, with Republicans. This was undoubtedly an outrage. But in the first place it is all wrong to try to cure it by committing another wrong now, and in the next place it was an outrage precisely similar in character to what has occurred in a number of the newly classified post-offices within the last eight months.

In 1889 the Republican administration of the Post-Office Department took advantage of the necessary delay in classifying the Railway Mail Service to make sweeping removals of Democratic clerks and replace them by Republicans, just before the law went into effect. In 1893 the Democratic postmasters at Plattsburg, N. Y., at Topeka, and Kansas City, Kans., at Galesburg, Bloomington, and Quincy, Ill., at Athens, Ga., and in several other places, took advantage of the necessary delay in the classification of the free-delivery post-offices to make sweeping removals among the Republican clerks and carriers in their offices and to replace them by Democrats, just before the classification went into effect.

The cases are precisely parallel, and it is rank dishonesty to try to cure one and not cure the other. If the Democratic employes dismissed before the classification of the Railway Mail Service in 1889 are to be restored, then the Republican employes dismissed before the classification in the offices above mentioned in 1893 ought to be restored. The truth is that neither one set nor the other should be restored. The only safe rule to follow in dealing with the civil-service law is to deal with each office and branch of the Government from the moment it becomes classified, and not take into account what went on before. If we do endeavor to take into account what went on before we are entangled in an absolutely hopeless mesh of wrongs suffered and committed by both sides during the preceding years, and it is quite impossible to remedy any of these wrongs without committing fresh wrongs in turn.

The proposed bill of Mr. Houk does not, it is true, provide that the Postmaster-General must reinstate the old clerks, but only that he may reinstate them, but immediately upon its enactment into law the greatest pressure would be brought to bear to create vacancies in order that reinstatements might be made. Of the 2,300 clerks appointed to fill the places of the Democrats turned out but 900 now remain in the service (a sure proof, by the way, of the inferiority of the men obtained under the spoils system compared to those who enter through civil-service examination); so that the bulk of the places are now filled by people who came in through the civil-service examinations, very many of whom were themselves Democrats. In most cases, therefore, the reinstatement would result in turning out, not the original beneficiary of the wrong, but some innocent and honest outsider. Moreover, the persons who would be reinstated would be the very persons who ought not to be reinstated.

The discharged railway mail clerks who were honest, capable men have now, five years after their discharge, undoubtedly gotten places where they are at work at good salaries. It is precisely those who are incapable and who originally got their places merely through political favoritism, but who have now banded themselves together in political associations for selfish purposes, who would get reinstated under the proposed law. It must be remembered that all of the 2,300 clerks turned out in 1889 simply suffered under the same spoils system through which they had received their appointments.

During the Democratic Administration of 1885-1889 nearly 90 per cent of the Republican railway mail clerks were turned out and were supplanted by Democrats. During the two months before the classification of the service under the succeeding Republican Administration 46 per cent of the entire force, or about half of the Democrats in it, were turned out by the Republicans. Then the office was classified. No appointments or dismissals for partisan reasons have been since made, and it would be mischievous in the extreme now to go back to the old system and allow the reinstatement of the men thus originally appointed for spoils reasons.

The Commission has found by actual experience that it is a detriment to the public service to allow the reinstatement of a man who has been out of that service for more than a year. With each change of Administration partisans of the party which has returned to power endeavor to secure the reinstatement of their party friends who have been turned out.

When President Harrison's Administration came into power the Commission found that during the preceding Democratic administration of the Baltimore post-office no less than 96 per cent of the Republicans had been turned out and their places supplied by Democrats, and great efforts were made to induce the Commission to allow the reinstatement of all the Republicans who had thus been dismissed for party reasons. The Commission steadily opposed the proceeding, on the ground that while injustice might sometimes be remedied, the general result would be absolutely bad, and the effect would be to introduce a system of sweeping removals and sweeping reinstatements with each change of Administration, for political reasons.

The proposed action to be taken with reference to Democratic railway-mail clerks is precisely the action that was proposed to be taken in reference to the Baltimore post-office clerks and letter-carriers four years ago. But there is in this instance an additional reason for opposing the bill, because during the present Administration in a number of post-offices precisely the same course has been followed as was followed four years ago in the Railway Mail Service; and it is pitiable injustice to try to remedy one set of cases and not remedy the other. The bill is simply a bill for the partial reintroduction of the spoils system and for the demoralization of the Railway Mail Service; it is thoroughly mischievous, and I sincerely hope it will fail. If there is any further information which you wish I shall be most happy to furnish it. I write this officially, by the direction and with the approval of the Commission.

Very cordially, yours,

THEODORE ROOSEVELT.

HON. CASE BRODERICK,
House of Representatives.

During the reading of the foregoing letter, the following proceedings took place:

The CHAIRMAN. The time of the gentleman has expired.
Mr. BRODERICK. The gentleman from Louisiana, I understood, withdrew his objection. I ask to have the remainder of the letter read.

Mr. BYNUM. How much more of it is there?

Mr. BRODERICK. Only about two pages.

The CHAIRMAN. Is there objection?

There was no objection.

Some time subsequently:

Mr. COOMBS. How much more time will it take to read that letter?

Mr. BRODERICK. It is nearly concluded now.

The CHAIRMAN. Time was given to complete the letter.

Mr. COOMBS. When that consent was given we were told that there were only two pages.

The CHAIRMAN. Consent has already been given, and the Clerk will continue the reading of the letter.

The Clerk resumed and concluded the reading as above.

Mr. BYNUM. Mr. Chairman, I regret that I have not sufficient time to discuss the amendment now pending before this committee. What I shall have to say, however, very appropriately follows the letter which the gentleman from Kansas [Mr. BRODERICK] has just caused to be read from the Clerk's desk.

Having been familiar with the abuses in the Railway Mail Service under the former Administration, I made an earnest endeavor at the beginning of the present one to have the same corrected.

In that spirit I introduced a bill early this session giving the Postmaster-General the right to reinstate clerks who had been dismissed between the 15th of March, 1889, and the 1st day of May of that year, when vacancies occurred, without their being compelled to take an examination. I had the bill referred to the Committee on Reform in the Civil Service, so honest was I in the belief that it was a true measure of reform that that committee could not help but report it favorably. But for some reason or other I could never get a meeting of the committee to consider it. I requested Judge Houck, of Ohio, who had taken an interest in the matter, to reintroduce the bill and have it referred to the Committee on the Judiciary. That committee, after an investigation of the facts, reported the bill back with a favorable recommendation; and it is now on the Calendar, where I hope it will soon be reached for action and passed.

The bill now upon the Calendar is the one which Civil Service Commissioner Roosevelt has just criticised, and I desire to call the attention of the House to the facts.

In 1888 President Cleveland extended the civil-service rules to include the Railway Mail Service. The extension, by the original order, I have heard it said, was to take effect on the 15th day of February, but in some way or other, when the order was issued by the Civil Service Commission, instead of taking effect on the 15th day of February, it was to take effect on the 15th day of March, a few days after the expiration of the term of the outgoing Administration. President Harrison came in on the 4th day of March, 1889, and on the 11th he issued an order extending the time of the taking effect of the original order to the 1st day of May, 1889.

Mr. BRODERICK rose.

Mr. BYNUM. I have no time to answer any questions.

The CHAIRMAN. The gentleman declines to yield.

Mr. BYNUM. During the time from the 15th of March, 1889, up to the 1st of May, 1889, more than two thousand competent Democratic clerks were dismissed from the service, and in their stead a great many incompetent Republican clerks were reinstated or appointed. Nor was that all that was done. The standing of the service was reduced so low that the Republican Administration could not afford to dismiss any more clerks, but after the time the order took effect and the service was within the classified lists, four hundred more clerks were dismissed upon notices bearing date prior to the time the law took effect.

Since introducing this bill I have received hundreds of letters, and I have them here upon my table now, calling attention to the facts, and I have an affidavit of a clerk who had been in the service for seventeen years, from my own district. He was dismissed in October, paid to that time, but when his dismissal was received it was dated the 29th day of April, 1889, and a Republican was appointed in his stead without reference to the civil service rules. I have here a letter from a clerk in Maine, where civil service rules are presumed to reign supreme, showing that they were in such great haste to reinstate clerks that they reinstated one man who had been dead for more than a year. [Laughter.] Another who was on his death-bed was reinstated. He wrote them telling them he was not able to take the place, but they told him that he must take it until they could find

some one else. [Laughter.] He held the position till they could find a Republican, and then he resigned and died.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am opposed to the present administration of the civil service of this country. I am opposed to it because it is unbusinesslike, undemocratic, un-republican, un-American, inefficient, fraudulent, and partisan. Those are about the only reasons why I oppose it.

Now, I have for twenty years favored a sound and sensible reformation of the civil service of the country. I believe that the civil officials of the country should hold their offices for fixed terms of years—say four or five years—and not be the mere sports of political circumstances; that there should be a fixed tenure of office, subject to removal for cause—cause alleged with opportunity to be heard.

I believe that the appointing person who is responsible, the Cabinet officer or head of a Department, should have the power to appoint at his will. I think that nothing is more unbusinesslike than that the person who is responsible for the efficiency of the work shall not be able to select the agent through whom the work is to be performed. I do not believe in a tenure for life or an indefinite, uncertain tenure during so-called good behavior. I think that the gentleman from Massachusetts [Mr. EVERETT] was right when he said this is a question of two systems. But he did not properly draw the line of demarkation between them. I will do it for him.

There is one system which is peculiar to aristocracies and monarchies, which consists in holding office for life tenure, on good behavior, thus establishing an official beaurocracy. This prevails in China and in the German Empire. It secures clerical efficiency and it also secures official insolence. It brings into existence an official coterie—a lot of little fellows, "dressed in a little brief authority, most ignorant of what they are most proud, their own glassy essence." It secures as an afterclap a civil pension list, which must come in the course of time if this sort of thing is carried out. It has come in England, in Germany, everywhere where men and women go into officeholding as a life business and grow old and decrepit in the service, relying upon it for support and saving nothing for a rainy day.

Then, on the other hand, there is a system which is peculiar to democracies everywhere. It consists in keeping up a constant circulation of blood between the official life of the country and the citizenship of the country. It believes in having no class set aside, no official "caste" of men who hold their offices as a matter of vested right, independent of the will of the people, independent of the changes of sentiment that take place among the people.

Those who believe in this system believe that official life should be in touch, elbow to elbow, with the common people of the country. That is the system which I advocate, and it is not a "spoils system," nor inconsistent with the reformation of the civil service. This latter can be brought about by having a fixed tenure of office, during which fixed time—a short time—men shall not be removed except for cause, a tenure and a system in keeping with the tenure of other offices of the country, elective and appointive.

Mr. COOMBS. Do you believe in examinations for those offices?

Mr. WILLIAMS of Mississippi. No, I do not; and I will tell you why. What would you think of a business man—and you have been one—who should undertake to carry on his business with clerks supplied by a competitive examination system? What you want is efficiency of service; and in order to obtain it you want the man who is responsible for the efficiency of the service, and who must be responsible to the people and to the Administration for it, to have the power to select efficient agents.

Character, tact, affability, the capacity to expedite business, faithfulness to the purposes and plans of his chief—these are all of greatest importance, and their possession is not insured by mere ability to answer school-boy questions. It does by no means follow that a man who can stand a competitive examination which could not have been stood by Alexander Stephens, of Georgia, or by Andrew Jackson, of Tennessee, or by Jay Gould, or Commodore Vanderbilt is more fit than either of them for a clerical position. He may be or he may not be, but a successful "cram," for a "catch-question" examination proves nothing.

[Here the hammer fell.]

Mr. BOATNER. I would like to yield the time allotted to me to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Louisiana is on the list on the same side as the gentleman from Mississippi, and he desires to give up his time to the gentleman from Mississippi. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I did not hope to "utter the thoughts that arise in me" upon the consideration

of this great and grave question within the five minutes allotted to me. I do not hope to do so successfully even with the addition of the five minutes yielded me so generously by the gentleman from Louisiana. I thank him sincerely. I have said that this civil-service system is inefficient and unbusinesslike, and would lead necessarily to a civil pension list by keeping men and women in office until they are aged, decrepit, and fit for nothing else.

Mr. Chairman, there are hundreds of persons in office now who are practically civil-service pensioners, because they receive a salary every day for the performance of supposed duties which they do not perform, because they are too old to perform them, or inefficient in other ways. After awhile the time will come when the claim for pensions for such employes will be made boldly here, because if you keep these men and women in for life they will grow old, and they will claim that you must provide for them in some way.

What you want is to keep official life in touch with the living people. With a shorter term of service a great many people every year go back into private pursuits and join the great body of the common people of the country, and others take their places. I am opposed to the system now in practice as partisan; and I am going to move to strike out each clause of it, because I believe it is, under the present Republican officials, merely an appropriation of \$45,000 a year in order to keep in some and put in more Republicans; for it can not mean anything else, especially in the Railway Mail Service.

I do not know how it is done, but with a Republican Superintendent of the Railway Mail Service, and with a Republican Second Assistant Postmaster-General and a Republican Superintendent of the fourth railway mail division, down in my part of the country, at any rate (I do not know what they have done elsewhere), they manage so that, no matter what takes place, they can get in the negro Republican applicants even under this Administration. Why, there are to-day eleven ignorant negroes running out of the city of Meridian, in the State of Mississippi, upon the Railway Mail Service, two of them appointed under the present Administration.

While there were thirty or forty of the best and most intelligent young white men of the State of Mississippi applicants, some of them graduates of the University of Mississippi, these Republican officials have managed in some way or other to select not long ago the only negroes and the only Republicans whose names were, as far as I know, upon the eligible list, and make clerks of them. They had a right to call for the names of three who stood highest on the list, and they had the right to call three times for the three names highest on the list, thus making nine from whom to choose; and yet, under a Democratic Administration, such has been the abuse of the system that it seems nobody could get in as long as these Republicans could be chosen.

I do not charge this to the law. It was an abuse of the law. But I object to its uses and abuses both. They are so inextricably interwoven that I hardly know how to separate them. When I ask how one of these men got in I am informed that he "had to be" appointed, because he was "prior on the substitute list." They "could not help" appointing him. "The law required it." Later on, when I wrote about another man, in another place, they told me that he could not be appointed because they had to appoint from the names of the three highest certified to them by the Civil Service Commission, and this man being thirty-third on the list they could not possibly, under the order of certification, reach him during the year in which his name would be on the eligible list. So that at one time a negro Republican was put in because he had priority on the "substitute list," and the law compelled them, and they could not help it, but had to appoint from the substitute list; and the next time I was informed that another man could not come in because they would have to certify some of the thirty-three who were ahead of him on the "eligible list" and that one would have to be appointed out of the three highest somewhere along the list. The "substitute list" which seemed formerly all important had in the meantime died of "innocuous desuetude."

I have some letters here which were written upon that subject which I may, if the House has no objection, print as a part of my remarks.

You all know that, as a matter of fact and of law, these appointing officers had a right to demand those names three times, and were not "compelled" to appoint from "the substitute list," though it is true that if they chose to appoint from the substitute list they were compelled by the law to appoint him whose name had been first placed upon it. As long as these officials are Republicans, and a majority of the Civil Service Commission and of the examining boards are Republicans, I shall not vote one dollar for salaries, etc., to perpetuate this partisan thing, this thing so easily capable of abuse, this sounding fraud of pretentious Mugwumpery.

You all know that Democratic officials, vested with the appointing power and acting strictly under the latitude which the law gives, would not, as a matter of fact, have made these appointments and hundreds like them in the Railway Mail Service all over the land. These serpents, threatened with hibernation but warmed into new life in the generous bosom of a too trustful Democratic Administration, are doing all they can with their treacherous and poisonous fangs to sting the dominant party—their benefactor—to death.

Do you believe that it is by accident that these things happen? But men say the offices ought to be "out of politics."

If it is meant that they ought not to be the sport and playthings of politicians, I grant it. I favor, as I said, a fixed tenure of office. In the interest of the public service, officials, whether appointive or elective, ought to know beforehand how long they are to hold. There should be certainty and stability of tenure. Men will do better work.

But if it is meant that there should be a caste with a life tenure, claiming office indefinitely, unless "removed on charges"—a life-tenure class set apart as being on sacred ground—their lives and interests divorced from the life and interests of the people, I can not agree to the proposition. I want official life to be in touch with the people.

I want not a regular army, but a volunteer army, each soldier in which, at the end of his service, shall be absorbed again in the body of the people, and during his incumbency shall feel always that he is one of the people.

I want to cultivate no noxious plant of professional officialism—no *esprit du corps* of that sort—no bureaucratic spirit.

In a democracy there is no room for it.

I have no sympathy with those weak and pessimistic natures which, consciously or unconsciously distrustful of popular government, are constantly crying about everything, "Take it out of politics."

When a man says "Take the tariff out of politics," he means "put it beyond the control of the people, let the barons manage it." When he says, "Take finances out of politics," he means "put it beyond the control of the common herd; let the 'experts' (i. e. the fellows personally interested in the maintenance of the *status quo*) 'manage it.'" When he says, "Take the offices out of politics," he means "consecrate a class to office-holding, and then keep the 'ins' in and the 'outs' out."

Now, let us go to another abuse of the law. When Mr. Harrison went into power he suspended the order putting the Railway Mail Service in the classified service until all over the South, carrying out his policy, he got a lot of ignoramus into the service and put out a lot of efficient men. This was done without pretense of cause, as the present Superintendent of the Railway Mail Service admitted to my colleague, Mr. MONEY. Under this suspension Mr. Harrison went on and "loaded up" the Railway Mail Service of the State of Mississippi with a lot of ignorant negroes who could not have stood an examination under the civil-service rules to save their lives, and there they are yet, protected in their places by this solemn humbuggery of civil service, which a Democratic Administration respects.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAIN was recognized.

Mr. CRAIN. Mr. Chairman, I ask unanimous consent that I may speak for fifteen minutes.

The CHAIRMAN. There are fifteen minutes remaining in opposition to the amendment, and the gentleman from Texas asks unanimous consent that he may occupy that time.

Mr. GORMAN. If there are only fifteen minutes remaining I would like to have five.

The CHAIRMAN. There are fifteen minutes in opposition to the amendment. The gentleman from Michigan [Mr. GORMAN] is down to speak in favor of the amendment. There are fifteen minutes remaining on that side also, so that the request of the gentleman from Texas will not interfere with the time of the gentleman from Michigan. Is there objection to the request of the gentleman from Texas that he may be allowed to consume the remaining time in opposition.

There was no objection.

Mr. CRAIN. Mr. Chairman, it is apparent from the statements which have been made on both sides of this question that there is a necessity either for the repeal of the civil-service law or for its amendment. I have heard it charged on the Democratic side of the House that a Republican President exercised his prerogative under this law for the purpose of enabling his subordinates to turn out Democratic appointees and put Republicans in their places. It has been asserted on the other side that after certain offices in the Railway Mail Service had been filled with Democrats a Democratic President put that service under the civil-service rules and regulations.

The President himself, in each case, if these accusations be true, used his power for partisan purposes.

My objection to the civil-service law is, that there is not enough politics in it—that is to say, it recognizes politics in the constitution of the Civil Service Commission and ignores politics, or tries to ignore politics, in the appointment of the subordinates. The basic principle of its formulators was that the question of politics should be eliminated from the public service, but the very first section of the law recognizes the principle of so-called spoils politics, because it provides that:

The President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners.

I say that provision in itself is a recognition of the principle of party politics, because if it were not apprehended that politics would enter into the administration of the law by the heads charged with that administration, this provision would not have been placed in the first section of the statute. The requirement that "not more than two" of the Civil Service Commissioners "shall be adherents of the same political party" is itself a recognition of politics.

The principle is further recognized in the second section, which provides that—

The President may remove any Commissioner, and any vacancy in the position of Commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of Commissioners.

In other words, if a Republican Commissioner dies during the incumbency of President Cleveland it is his duty under this law not to select an honorable, upright, well-qualified Democrat to take the place of the decedent, but he is required to recognize politics by selecting a Republican as his successor, provided his associates are both democrats, and he might be subject to impeachment if he did not obey the law. So, I say, politics is recognized in the appointment of the heads of the Commission; that is, in the selection of the Commissioners; but when it comes to the appointment of subordinates, the question of politics is eliminated entirely from the problem.

No man is asked what his political belief is when he is an applicant for examination under this system. My friend from Illinois [Mr. HOPKINS] raised some question awhile ago about the administration of the law with reference to the Railway Mail Service. Has the gentleman forgotten that under what is called the "spoils system" the Administration which he has criticized with reference to the consular and diplomatic service, the President of the United States, a Democrat, permitted a Republican, Mr. Sutton, to remain in office as a consul in Mexico? Has he so soon forgotten that a Democratic President sent an ambassador to Italy an ex-Republican? [Laughter.]

Has he forgotten that the same President put at the very head of the Administration of foreign affairs a gentleman who had affiliated with the Republican party, and who was ready and willing (like Barkis) to accept the Presidential nomination of that party? The gentleman can not have forgotten all of these things, yet he charges that under the spoils system the Republicans have no show! [Laughter.]

Now, if the gentlemen who have inveighed with resonant voices upon this floor against the civil-service administration had examined into it more closely and contrasted it with what is called the spoils or patronage system, they would have discovered that one principle at least which should govern in the selection of public officials has been quite closely followed by the Civil Service Commission, but has been absolutely ignored by the heads of Departments who have the power to make appointments without being restricted, annoyed, clogged, or hampered by any such law as the civil-service law.

There are two principles which in my judgment should be the base of all selections of public employes. One is that they should be apportioned among the States equitably; that is, in proportion to population; and the other is that they should be based upon the question of politics, so that a Republican applying for appointment under the civil-service act in the State of Texas, for instance, where the Democrats have an overwhelming majority, should have an equal opportunity with a Democrat, provided they were both equally competent and efficient; and in order that in Vermont, or any other State where the Republicans may outnumber the Democrats in the proportion, probably, of three or four to one, Democrats seeking appointments under the civil-service rules may have an equal chance with their Republican fellow-citizens when they go before the examining board to be examined.

At present such is not the case. If we contrast the selections with reference to the population of the States as made by the Civil Service Commission, and as made by our Democratic heads of Departments, we find that, leaving out the District of Columbia, there is a difference of only twenty-seven in the whole three or four thousand employes under the civil service, while there are many thousands under the patronage system. This ought not to be the case.

The civil-service act provides that appointments under its provisions shall be apportioned among the States upon the basis of their respective populations, as shown by the last census; and this rule ought to be adopted and followed by the appointing powers in the several Departments of the Government, but it is ignored, as the official register will show; and, indeed, employes are said to be charged up to States in which they have never even resided.

I hold a statement prepared by myself from the report of the Civil-Service Commission, showing that there has been an inequitable, I may say an unjust, apportionment of the offices under the patronage system. I will not charge any man with being actuated by other than patriotic motives when he rises from his seat and inveighs against civil service, while the record shows that his State has every office to which it is entitled under the civil service except two, and has an excess of thirty-seven under the patronage system. I refer to the State of West Virginia.

Without following any particular rule I have selected a number of States, and I desire to call the attention of this committee to the manner in which offices have been distributed in these States. In the first place I will contrast Illinois with New York. Illinois has a deficit under the civil service of 7 appointments; New York 6. Illinois under the patronage system has a deficit of 242; New York has an excess of 145.

Is that an equitable administration under the patronage system? Maine has a deficit of 4 and Texas 6 under the civil service, whereas under the patronage system Maine has an excess of 43 and Texas a deficit of 268. My district has not a single appointment in all the Departments under this Administration. And if under the patronage system we would go down to the heads of the Departments and insist upon the distribution of places not embraced in the classified service with reference to population and politics, some of us might not be inveighing so loudly against the Administration under the civil service.

In the list taken from the table in the Commissioners' report I find that Maryland has an excess under the civil service of 7, and an excess under the patronage system of 350. Tennessee—and I ask the attention of the gentleman who moved to strike out this provision of the bill—Tennessee has a deficit of 7 under the civil service, and of 107 under the patronage system. Massachusetts has an excess of 1 under the civil service; the District of Columbia an excess of 89. Under the patronage system Massachusetts has a deficit of 68, and the District of Columbia an excess of 2,215.

Arkansas, under the civil service, has a deficit of 2, while Delaware has an excess of 1. Under the patronage system Arkansas is short 143, and Delaware is "long" to the extent of 15. California—I do not see the gentleman from California in his seat—has a deficit of 1 under the civil service and of 121 under the patronage system. Connecticut has neither a deficit under the civil-service system nor an excess; she has just what she is entitled to, but she has an excess under the patronage system of 17. The Indian Territory has its share under the civil service, but an excess of 4 under the patronage system.

Now, instead of our standing here and trying to strike out a provision appropriating money to pay the salaries of the Commissioners and necessary office clerks, amounting to eighteen in all, and making "buncombe" speeches, why do we not commence where we have a right to begin and where we will not be hampered by any civil-service rules? Why, sir, I am told that there is a prominent Republican in one of the Departments who has been anxious to go—who has been begging to be permitted to leave—but who has been retained in his position against his will! The reason for this must be that a Democrat can not be found who is capable of filling it.

The Departments are full of Republicans, inside and outside of the classified service, and if those of us who believe in the doctrine that "to the victors belong the spoils" would quit the tactics they are pursuing in this House and insist that there should be at least an equal division of the places in the Departments between the Republicans and the Democrats, and that the States should be fairly represented, and the heads of the several Departments would recognize the truth that the men who placed them in office should have at least equal consideration with those who tried to keep them out, the Democratic voters of the country would get places under a Democratic Administration. [Applause.]

I think that if the civil-service law is to remain in force it ought to be amended so as to admit of an equitable partition of the places to be filled under it, not only upon the basis of population, but also upon the basis of politics. A great clamor has arisen against the law because it is alleged that the large majority of the employes protected by it belong to one or the other of the two great political parties. This objection could not be urged if the law provided that the two parties, or the three

parties, including our Populistic brethren, should have fair and equitable representation in the governmental offices. There would be no temptation then for any violation or evasion of the law for partisan advantage by any superior official, and much of the prejudice against the system would disappear.

Whether, however, gentlemen favor the amendment or the repeal of the law or not, I fail to see why they should propose or vote for this amendment.

It merely strikes out the appropriation for the support of the Commission itself during the next fiscal year. It does not legally destroy the Commission. It does not repeal the civil-service law. It does not abolish any office embraced in that law. A reduction or even a denial of salary cannot deprive a man of his right to an office to which he has been lawfully appointed. You may take away his salary, but you can not thereby prevent him from performing his duties without compensation.

Besides, even if the contrary were the effect of the adoption of the motion to strike out the appropriation, it would only be applicable to the officials provided for in the paragraph, about eighteen in all. It would not remove a single one of the thousands of employes who are protected by the civil-service law in every Department of the Government. The law, as to them at least, would still be in force. They would continue to hold their places. The true, manly, proper course to pursue, if the law ought to be repealed, is to repeal it. But while it is in the statute book our duty is to provide the necessary appropriations to enforce and carry out its provisions. This is what the Committee on Appropriations conceived to be its duty to do in preparing this bill, and they should be sustained.

If the law is obnoxious let us repeal it. But we should not adopt this amendment, or motion to strike out the appropriating paragraph, blindly deceiving ourselves under the belief that we are repealing the law; for that would not be its effect. It would still remain in force and in full operation. If gentlemen believe that they can repeal the law by depriving the Commissioners and their office clerks of their salaries they are mistaken.

All of the clerks and employes in every branch of the public service appointed under the provisions of the law would still remain in place as the law would still be operative. Indeed, if the Committee of the Whole were to refuse to appropriate one dollar for the payment of the salaries of all of these employes, the law would yet be in full force. The amendment, therefore, fails to accomplish the object of its mover and supporters, and ought not to prevail. Let us either amend the act or repeal it. While it appears among statutes it is our duty to observe it and to provide the necessary appropriations to carry out its provisions.

I append an extract from tenth report of the United States Civil Service Commission:

Contrast of apportionment of appointments under civil-service act with those made without examination.

States.	Merit system, embracing 3,881 officers and employes.				Patronage system, embracing 7,865 officers and employes.			
	Number of appointments to which entitled.*	Number of appointments made.	Excess.	Deficit.	Number of appointments to which entitled.*	Number of appointments made.	Excess.	Deficit.
Alabama	97	93	4	1	187	66	121	1
Alaska	3	1	1	1	3	1	2	1
Arizona	3	4	1	1	8	4	4	1
Arkansas	64	62	2	1	147	4	143	1
California	68	67	1	0	158	37	121	1
Colorado	17	20	3	1	60	32	28	1
Connecticut	47	47	1	1	92	109	17	1
Delaware	12	13	1	1	19	34	15	1
District of Columbia	14	103	89	1	2,244	2,215	29	1
Florida	22	21	1	1	51	24	27	1
Georgia	118	117	1	1	237	77	160	1
Idaho	4	4	0	0	12	10	2	1
Illinois	238	231	7	1	480	238	242	1
Indiana	148	141	7	1	263	223	40	1
Indian Territory	2	2	0	0	4	4	0	1
Iowa	124	114	10	1	234	118	116	1
Kansas	80	77	3	1	188	96	92	1
Kentucky	124	117	7	1	228	68	160	1
Louisiana	72	66	6	1	138	42	96	1
Maine	48	44	4	1	76	119	43	1
Maryland	70	77	7	1	125	475	350	1
Massachusetts	138	139	1	1	281	213	68	1
Michigan	127	127	0	0	266	155	111	1
Minnesota	66	67	1	1	178	77	101	1
Mississippi	86	81	5	1	156	33	123	1
Missouri	158	158	0	0	344	116	228	1
Montana	4	5	1	1	21	9	12	1

Contrast of apportionment of appointments under civil service act, etc.—Cont'd.

States.	Merit system, embracing 3,881 officers and employes.				Patronage system, embracing 7,865 officers and employes.			
	Number of appointments to which entitled.*	Number of appointments made.	Excess.	Deficit.	Number of appointments to which entitled.*	Number of appointments made.	Excess.	Deficit.
Nebraska	42	44	2	1	157	33	124	1
Nevada	4	3	1	1	5	15	10	1
New Hampshire	23	25	2	0	45	84	39	1
New Jersey	68	84	16	4	182	163	19	1
New Mexico	9	9	0	0	20	8	12	1
New York	338	332	6	0	725	871	146	1
North Carolina	106	102	4	1	197	97	100	1
North Dakota	6	5	1	1	28	9	19	1
Ohio	243	242	1	1	446	275	171	1
Oklahoma	1	1	0	0	10	1	9	1
Oregon	15	14	1	1	44	9	35	1
Pennsylvania	330	323	7	1	656	628	28	1
Rhode Island	21	22	1	1	44	28	16	1
South Carolina	75	74	1	1	141	72	69	1
South Dakota	10	14	4	1	52	7	45	1
Tennessee	117	110	7	1	214	107	107	1
Texas	127	121	6	1	292	24	268	1
Utah	11	9	2	1	28	70	42	1
Vermont	24	26	2	1	38	32	6	1
Virginia	113	114	1	1	195	476	281	1
Washington	9	11	2	1	56	8	48	1
West Virginia	48	46	2	1	95	132	37	1
Wisconsin	103	97	6	1	212	112	100	1
Wyoming	2	4	2	1	9	7	2	1
Total	3,881	3,881	118	118	7,865	7,865	3,155	3,155

*In an exact apportionment by population of the census under which made.

†Omitting the District of Columbia, the variation from an exact apportionment for the entire country is only 23, while for the patronage system, it is 970.

Percentage of variation:

Under merit system— $\frac{118}{3,881}$, or 3 per cent.

Under patronage system— $\frac{970}{7,865}$, or 12 per cent.

APPORTIONMENT UNDER PATRONAGE SYSTEM.

The above table is especially noteworthy because of the showing it makes as to the equalization of appointments in the different States under the civil-service law. Under the old patronage system there was only the roughest approximation toward equalizing the quotas of the different States. Under the civil-service law the Commission has succeeded in keeping these quotas very nearly even. Of course, as explained above, there are certain kinds of appointments which necessarily disturb this apportionment.

Positions like those of printer's assistants, where the salary is very small, ought not to be and are not considered in making the apportionment, as it would be impossible to bring people here from remote States to fill such positions. Again, there are many highly technical places, notably in the Department of Agriculture and in the scientific bureaus, where there may be only one or two men in the United States fitted to fulfill the duties required. In cases of this kind the Commission certifies from the eligible registers in disregard of the apportionment, and it is almost wholly in cases of this kind that the excess of appointments from the District of Columbia arises. Disregarding these two sets of cases it is possible to apportion the appointments with substantial equality.

This table shows how near the Commission has come to making this equal apportionment and how far short the Departments have come of doing so as regards appointments not made under the control of the Commission. Take the State first mentioned in the list, Alabama. Under the Commission it has had 93 appointments, while it would have 97 if the apportionment had been exact.

It is, therefore, 4 short of its quota, a deficit which will probably be made up in the certifications in the next few months. But of the appointments under the patronage system Alabama has had only 66 out of the 187 to which it was entitled (assuming as correct the statement in the Blue Book, and assuming also that the present residence is the same as that of the appointee when he took office, which, however, is probably not always the case). This leaves a deficit of 121.

The injustice done to Alabama under the patronage system, therefore, amounted to 121 appointments, whereas under the civil-service law it has received within 4 of its proper number. Passing over the next two Territories (in which the aggregate of the appointments under the civil-service law is precisely what the two Territories are entitled to) we come to the State of Arkansas. Under the civil-service law Arkansas has received 62 appointments, but is entitled to 64.

It has, therefore, had a deficit of 2 appointments, the deficit in this case being very small, exactly as was the deficit in the case of Alabama. Of the patronage appointments Arkansas has only had 4 out of 147, so that its deficit is 143. Taking Alabama and Arkansas together we find that under the civil-service law they have had only 6 appointments less than they were entitled to; whereas outside of the civil-service law they have had 264 less.

California, under the civil-service law, was entitled to 68 appointments. It has received 67, or 1 deficit. Of patronage appointments it has received only 37 out of 158, so that it has received 121 less than its share where the law did not guarantee it its rights, but has received 1 less than its due share where the Commission had control.

Turning to Maryland we find the exact reverse of this state of affairs. Through the Commission Maryland was entitled to 70 appointments, and has received 77, an excess of only 7. Taking into account patronage appointments it was entitled to 125, and has received 475, so that it has received 350 more appointments than were due to it under the old system, whereas it has received within 7 of its proper number under the new.

In the same way Connecticut has received under the civil-service law exactly the 47 appointments to which it was entitled, but where the law does

not obtain it has 109, although only entitled to 92. For the reasons given above the District of Columbia is certain always to have an excess. Thus, under the civil-service law, it has received 103 appointments instead of the 14 to which it was entitled, so that it has had 89 excess. This excess is, however, necessary and legitimate.

Taking into account patronage appointments it is entitled to only 29, and has had 2,244, so that though it has had 89 more than its share, made according to a strict numerical apportionment under the civil-service law, it has had 2,215 more than it was entitled to of the appointments made under the old system. The other States, as will be seen by an examination of the table, stand substantially on an equality with those mentioned.

TABLE 14.—Showing appointments to the classified departmental service made from the several examinations during the year ended June 30, 1893.

Kind of examination.	Male.	Female.	Total.
COMPETITIVE.			
Clerk (all appointed at \$900 or less from copyist register).....	54	3	57
Copyist.....	15	34	49
<i>Supplementary.</i>			
Typewriter.....	52	20	72
Stenographer.....	1	—	1
Stenographer and typewriter.....	21	3	24
Telegrapher.....	1	—	1
Proof-reader.....	1	—	1
French language.....	—	1	1
Law.....	1	—	1
<i>Special.</i>			
Bookkeeper.....	7	1	8
Treasury Department:			
Printer's assistant (not charged to the apportionment).....	—	60	60
Engineer and architect.....	1	—	1
Skill d helper (not charged to the apportionment).....	10	—	10
Tracer.....	—	3	3
Topographical draftsman, Coast Survey.....	2	—	2
Computer.....	5	5	7
Department of Agriculture:			
Assistant chemist.....	3	—	3
Assistant artist.....	—	1	1
Botanical clerk.....	1	—	1
Fish Commission:			
Architect and civil engineer.....	1	—	1
Navy Department:			
Nautical expert.....	2	—	2
Interior Department:			
Assistant examiner, Patent Office.....	9	—	9
Copyist of drawings.....	—	1	1
Mechanical draftsman.....	1	—	1
War Department:			
Architectural draftsman.....	2	—	2
Total.....	190	137	327
NONCOMPETITIVE.			
Transfers under departmental Rule VIII, 1 (c). Classified post-office, or Railway Mail Service to Post-Office Department.....	13	1	14
Transfers from excepted to nonexcepted places under departmental Rule II, 4.....	6	1	7
Noncompetitive examinations for original entry into the service under General Rule III, 2 (d).....	—	—	—
Assistant Engineer.....	2	—	2
Assistant disbursing agent.....	1	—	1
Engineer.....	1	—	1
Captain of watch.....	2	—	2
Fish culturist.....	1	—	1
Machinist.....	2	—	2
Stenographer and copyist (to be confidential clerk to the Secretary of the Interior).....	1	—	1
Pressman, War Department.....	1	—	1
Special agent, Department of Labor.....	1	—	1
Storekeeper, Treasury Department.....	1	—	1
Returns office clerk, Interior Department.....	1	—	1
Transfers under departmental Rule VIII, 1 (d), from the office of the President of the United States to departmental service.....	2	—	2
Total.....	36	2	38
Total competitive.....	190	137	327
Total noncompetitive.....	36	2	38
Grand total.....	226	139	365

Mr. GORMAN. Mr. Chairman, the civil-service law, if strictly and impartially executed, might not operate perhaps very injuriously to either party. But the trouble that we meet with is the fact that human beings are executing the law and they yield to their own feelings when they come to distribute the offices. If, as my distinguished friend from Maine [Mr. DINGLEY] has said, this system has come to stay, I wish to say that it must become more popular and more just and equal in its execution than it is to-day.

The gentleman from Illinois [Mr. HOPKINS] has made the most severe criticism against the Civil Service Commission that has been made by any man on this floor either for or against it. He made the statement that the Civil Service Commissioners went to President Harrison and asked him to delay the appli-

cation of that law to the railway mail service—why? Because they could not "classify" the clerks in that service. Now I wish to say to my friend that if "classifying the service" means to dismiss the Democrats and retain the Republicans, he has accused the Civil Service Commission of more political influence than any man has yet dared to charge them with.

I can refer the gentleman from Illinois to men who were dismissed the service whose standing was high to 100. I know a man who was dismissed on the 18th day of May, 1889, his dismissal being dated the 29th of April, and his standing was 97.8; cause for removal, offensive partisanship. I wonder if it was necessary to "classify the service" by dismissing clerks who had that standing?

Now, as for the operation of the law so far as political opinions and designations are concerned, I wish to call the attention of the committee to its operation in the ninth division of the Railway Mail Service, with headquarters at Cleveland. There are in that division 650 employes. Five hundred and thirty-four are Republicans, 126 Democrats; making a percentage of 76.4 Republicans and 23.6 Democrats.

On the New York and Chicago route, which is the main route of the division, there are 419 postal clerks, of whom 326 are Republicans and 93 Democrats. Of those 93—and I want to call the attention of the committee to this matter, that gentlemen may see what impartiality is exercised—of those 93 Democratic clerks, 63 are night men. There are 36 clerks in charge, of whom 26 are Republicans and 10 Democrats. Of those 10 running on those trains, every one is a night man. It is curious, my friends, that the Republicans have always the greater percentage, as well as the preference in respect to service.

[Here the hammer fell.]

[Mr. SWANSON withholds his remarks for revision. See Appendix.]

Mr. SWANSON. I ask unanimous consent to continue for five minutes longer.

Mr. DOCKERY. Is that the last speaker on the list?

The CHAIRMAN. No; the gentleman from Alabama is on the list for five minutes, and there remains but five minutes' time.

Mr. WHEELER of Alabama. I am thoroughly and most emphatically in favor of laws which guarantee to us the best, most efficient, and most trustworthy officials in every branch of our Government.

I will vote for and support any system which secures the employment of those who will perform their duties best and be of most service to the Government and to the people, but I insist that such a result is not attained by the civil-service law as it is now written and as it was interpreted by the Administration which was superseded March 4, 1893.

I do not criticize the personnel of the Commission. I think they are honest, able, and well-meaning gentlemen, but I insist that the system is contrary to our own plan of government, and I contend that the law needs material modification and amendment. Since the passage of the civil-service law, in 1883, I have introduced bills for the purpose of amending the law so as to make it conform to the Constitution and to American principles of government.

I would like to see a proper civil-service law, but as the honorable committee which has that subject in charge will not report any of our bills, I see nothing left but to vote to strike out any appropriation for a system as objectionable as the present one has proved itself to be. I hold that the Constitution requires that the appointments in the subordinate service shall be made by the heads of Departments, and it is an insult to men holding such high positions to insinuate that they will not use their best endeavors to make the best possible selections.

Section 2, Article II, of the Constitution says:

Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of the law, or in the heads of Departments.

If there was ever any doubt as to what was intended by those words, and I think there has never been any doubt expressed on this subject, the preceding clause of the same section explains to what the framers of the Constitution referred when they authorized the vesting of appointments in the heads of Departments:

He—

The President—

may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices.

It was these responsible officials in whom the Constitution authorized Congress to confide the important duty of appointing inferior officers. The Constitution did not authorize Congress to confide this power and authority to a commission composed

of three gentlemen called a civil service commission, and I do not hesitate to state that a law which confides appointments to these gentlemen contravenes the letter, the spirit, and any fair or judicial interpretation of the Constitution.

I hold in my hand bill H. R. 197, one of the first bills which I introduced in this Congress.

By this bill I sought to correct some of the evils of the present law without in any way impairing its beneficial features.

Under the law as it now stands Cabinet officers are deprived of any voice in the selection of officials for whose conduct they are responsible. Under the law as now administered, when a member of the President's Cabinet applies for a clerk, he does not know until after the appointment is made whether the man is black or white, nor does he know anything about the appointee, except that he has passed an examination and answered a certain number of questions. He may be honest, trustworthy, energetic, and efficient, or he may be wanting in all these important qualifications.

By my bill some power and authority is given the heads of Departments.

It provides for examinations the same as they are conducted to day, but it provides also that a Cabinet officer may demand that the whole list of eligibles be placed before him; that he have some opportunity to judge for himself as to the fitness of the candidates, and to select from the list of eligible men the best ones to perform the duties in the Department for which he is responsible. What objection, may I ask the committee, is there to that? I can imagine none.

Paragraph 8 of my bill is as follows:

That whenever any officer having the power of appointment or employment shall so request, there shall be presented to him by the Commissioner or the proper examining board the names of all persons from the State or Territory which is entitled to the appointment under the provisions of this act who have been examined and found qualified for the public service and pronounced eligible for appointment. The Commission shall also, at the request of the officer having the power of appointment or employment, exhibit to him the original papers of examination of any of the persons presented, and the officer having power of appointment or employment shall have power to select any one of the persons presented to him by the Commission or the proper examining board.

Paragraph 9 of the bill which I introduced provides that—

If the officer having the power of appointment or employment shall not find a suitable person for the work required from the State or Territory entitled to the appointment, the Commission shall in like manner, at his request, present to him the names of the persons who have been examined and found qualified for public service, and pronounced eligible for appointment from the State or Territory which would next be entitled to the appointment; and the Commission shall in like manner also exhibit the original examination papers of such of the persons whose names are presented as the officer having the power of appointment may request; and the officer having the power of appointment or employment shall have power to select any one of the persons thus presented to him by the Commission or the proper examining board.

Paragraph 11 of the bill which I introduced provides:

That if any officer having the power of appointment or employment shall, for any reason, desire to appoint or employ any person who has been examined and found qualified for public service and found eligible for appointment who is from a State or Territory which is not then entitled to an appointment, he may state in writing his reasons for wishing to appoint or employ said person, which paper shall be filed with the Commission, and the officer having power to do so may thereupon appoint or employ said person.

This bill was printed, and on September 6, 1893, it was referred to the Committee on Civil Service Reform, and there it sleeps the sleep of death; and I beg to ask the honorable chairman of that committee what there is in the bill to which he or any advocate of civil-service reform and good government could raise the slightest objection. One gentleman, for whom I have great respect, gives as one reason favorable to civil service that it saves Congressmen trouble and annoyance. This is an argument which is not worthy of our consideration.

If I have a chance to obtain employment for a constituent I am more than willing. I am anxious to exert myself to any extent to accomplish such a purpose. It is no trouble to me to work both night and day to get official positions for worthy men who have honored me as their representative. The only annoyance or trouble or sorrow I experience is my failure to obtain positions for the worthy and efficient gentlemen in whose interest I have pleaded.

The CHAIRMAN. The time of the gentleman has expired. One minute remains for debate.

Mr. WHEELER of Alabama. Under the general permission I will print the entire bill to which I have alluded.

H. R. 197.

September 6, 1893.—Referred to the Committee on Reform in the Civil Service and ordered to be printed.

Mr. WHEELER of Alabama introduced the following bill:

A bill to amend an act to regulate and improve the civil service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the act to regulate and improve the civil service of the United States, approved January 16, 1883, be amended so as to read as follows:

"That the President is authorized to appoint, by and with the advice and

consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three Commissioners shall constitute the United States Civil Service Commission. Said Commissioners shall hold no other official place under the United States. The President may remove any Commissioner, and any vacancy in the position of Commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of Commissioners. The Commissioners shall each receive a salary of \$5,000 a year, and each of said Commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a Commissioner."

SEC. 2. That the second section of said act be amended so as to read as follows:

"SEC. 2. That it shall be the duty of said Commissioners:

"First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect; and when such rules shall have been promulgated it shall be the duty of all officers of the United States, in the Departments and offices to which any such rules may relate, to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

"Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

"First. For open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and, so far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

"Second. That all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the result of such competitive examinations.

"Third. Every application for an examination shall contain, among other things, a statement, under oath, setting forth the applicant's actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

"Fourth. Appointments to the public service aforesaid in the Departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census; and to attain that end all appointments to the public service in the Departments at Washington shall be from the State or Territory which has the fewest number of persons employed in the public service in the Departments at Washington in proportion to its population, upon the basis of population as ascertained at the last preceding census. That when appointments have been made of persons from said State or Territory which has the least number of persons in the public service in the Departments at Washington, as aforesaid, to such an extent as to bring up the proportion of appointments so that they shall equal the number in the State or Territory having the next fewest persons employed in the public service in the Departments at Washington, appointments shall then be made alternately from those two States, until the number of persons employed in the public service in the Departments at Washington from those two States upon the basis of population as ascertained at the last preceding census becomes equal to the number employed in the public service in the Departments at Washington from the State or States having the next fewest number of persons employed in the public service in the Departments at Washington, upon the basis of population as ascertained at the last preceding census.

"Fifth. That the same principle shall be observed and adhered to in making appointments to the public service in the Departments at Washington until all the States and Territories have employed in the public service in the Departments at Washington, as nearly as may be, an equal number of persons in proportion to their population upon the basis of population as ascertained at the last preceding census.

"Sixth. That the District of Columbia shall, for the purposes of this act, have all the rights regarding appointments of its citizens as a State or Territory, and for the purpose of this act shall be regarded in the same light as a State or Territory, and shall be entitled to have as many of its citizens employed in the public service in the Departments at Washington in proportion to its population, upon the basis of population as ascertained at the last preceding census, as are employed from any State or Territory.

"Seventh. That when the persons employed in the public service in the Departments at Washington shall have become equally distributed in proportion to their population, upon the basis of population as ascertained at the last preceding census, among the States and Territories and the District of Columbia, then from and after that time this equal distribution shall be as nearly as possible maintained by making appointments to fill vacancies, so as to as nearly as possible maintain this equal distribution as aforesaid.

"Eighth. That whenever any officer having the power of appointment or employment shall so request, there shall be presented to him by the Commissioner or the proper examining board the names of all persons from the State or Territory which is entitled to the appointment under the provisions of this act who have been examined and found qualified for the public service and pronounced eligible for appointment. The Commission shall also, at the request of the officer having the power of appointment or employment, exhibit to him the original papers of examination of any of the persons presented, and the officer having power of appointment or employment shall have power to select any one of the persons presented to him by the Commission or the proper examining board.

"Ninth. If the officer having the power of appointment or employment shall not find a suitable person for the work required from the State or Territory entitled to the appointment, the Commission shall in like manner, at his request, present to him the names of the persons who have been examined and found qualified for public service and pronounced eligible for appointment from the State or Territory which would next be entitled to the appointment; and the Commission shall in like manner also exhibit the original examination papers of such of the persons whose names are presented as the officer having the power of appointment may request; and the officer having power of appointment or employment shall have power to select any one of the persons thus presented to him by the Commission or the proper examining board.

"Tenth. If the officer having the power of appointment or employment shall not find a suitable person for the work required from the second State or Territory, the Commission shall in like manner, at his request, present to him the names of the persons who have been examined and found qualified for public service and pronounced eligible for appointment from the State or Territory which would be next or third in order, entitled to the appointment; and the Commission shall in like manner also exhibit the original examination papers of such of the persons whose names are presented as the officer having the power of appointment or employment may request; and the officer having the power of appointment or employment shall have power to select any one of the persons thus presented to him by the Commission or the proper examining board.

"Eleventh. Provided, That if any officer having the power of appointment

or employment shall, for any reason, desire to appoint or employ any person who has been examined and found qualified for public service and found eligible for appointment who is from a State or Territory which is not then entitled to an appointment, he may state in writing his reasons for wishing to appoint or employ said person, which paper shall be filed with the Commission, and the officer having power to do so may thereupon appoint or employ said person.

"Twelfth. *Provided further*, That it shall be lawful for any officer having the power of appointment or employment to send any person before the Commission for examination, and said person shall be examined with all reasonable dispatch; and if said person is found qualified for public service and is pronounced eligible for appointment, a report to that effect will be made to the officer who sent the said person before said commission, and said report will be accompanied by the original papers of the examination; and it shall be lawful for the officer having the power of appointment or employment to appoint or employ said person in the public service.

"Thirteenth. *Provided*, That no person shall be employed in the service of the United States in excess of the number of persons authorized by law, nor in excess of the number necessary to perform the duties of the public service.

"Fourteenth. *Provided*, That the true meaning and intent of this amendment to the act to regulate and improve the civil service of the United States is to enable heads of Departments and other officers having the power of appointment and employment to have more unrestricted opportunities to secure to the Government the services of those best qualified for the public service, and to enable them to secure for any special character of employment persons who are best adapted to and best qualified for such special character of employment, and at the same time, as far as practicable and not inconsistent with the above-recited objects, to provide measures to carry out that portion of the provisions of section 2 of the act of June 16, 1883, as require that appointments to the public service in the Departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population, as ascertained at the last preceding census.

"Fifteenth. That there shall be a period of probation before any absolute appointment or employment aforesaid.

"Sixteenth. That no person in the public service is for that reason under any obligations to contribute to any political fund or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

"Seventeenth. That no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

"Eighteenth. There shall be noncompetitive examinations in all proper cases before the Commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the Commissioners as to the manner of giving notice.

"Nineteenth. That notice shall be given in writing by the appointing power to said Commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said Commission.

"And any necessary exceptions from said nineteen fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the Commission.

"Third. Said Commission shall, subject to the rules that may be made by the President, make regulations for and have control of such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said Commission shall keep minutes of its own proceedings.

"Fourth. Said Commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

"Fifth. Said Commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act."

SEC. 3. That the third section of said act be amended so as to read as follows:

"SEC. 3. That said Commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of \$3,600 a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The Commission shall have a secretary, to be appointed by the President, who shall receive a salary of \$2,000 per annum. It may, when necessary, employ a stenographer and a messenger, who shall be paid, when employed, the former at the rate of \$1,600 a year, and the latter at the rate of \$600 a year. The Commission shall, at Washington, and at one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the Department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same."

SEC. 4. That the fourth section of said act be amended so as to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said Commission and said examinations, said rooms to be as near as practicable upon or near the main street which connects the Postmaster-General's and Interior Departments on the one side with the Departments of State, War, Navy, Justice, and Treasury on the other, so as to enable the heads of those Departments to have convenient access to the records of all examinations of persons who are examined for clerkships in the Departments at Washington and have been found qualified and pronounced eligible for appointment. The Secretary of the Interior shall also cause the necessary stationery and other articles to be supplied and the necessary printing to be done for said Commission."

Mr. ENLOE. Mr. Chairman, I want to say just one word. The gentleman from Illinois [Mr. HOPKINS] denied a statement I made in regard to the First Assistant Postmaster-General, claiming that I did not know what I was talking about, and attributing the wrong that was done these railway postal clerks to the present Second Assistant Postmaster-General, Mr. Bell. He was then the Superintendent of the Railway Mail Service under a Republican Administration, and he is now the Republican Second Assistant Postmaster-General under this Administration. He was then executing the orders of the First Assistant Postmaster-General, Mr. Clarkson, just as I alleged the fact to be.

Now, in regard to what the gentleman from Texas [Mr. CRAIN] said, that we ought to go to work in these Departments and get places for our friends, instead of attacking the civil service system, I call the gentleman's attention to the fact that the report of the Civil Service Commission shows that there are only some 2,000 places in the Departments here that are not subject to the civil service rules, and that those places have been filled. I want to say furthermore that there are 45,000 places mentioned as in the classified civil service that our constituents want, and there are only 2,976 that are not in the classified civil service. I hope this provision will be stricken out, and it will be.

Mr. CRAIN. I want to say that I took my statement from the same report of the Civil Service Commission.

The CHAIRMAN. By order of the House, debate is exhausted.

Mr. DOCKERY. A number of gentlemen have expressed a desire that the vote on these various propositions be taken tomorrow.

Several MEMBERS. Let us vote now.

Mr. DOCKERY. I was about to ask unanimous consent that the vote be taken on reassembling to-morrow.

Mr. ENLOE. Let us have it now. [Cries of "Vote!" "Vote!"] The CHAIRMAN. Objection is made to the request. The question is on the amendment offered by the gentleman from Tennessee [Mr. ENLOE], which the Clerk will report.

The Clerk read as follows:

Strike out all after line 7, on page 20, down to and including line 17.

Mr. ALDERSON. I wish to offer a substitute for that amendment.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from West Virginia [Mr. ALDERSON].

Mr. ALDERSON. My substitute is to strike out all from and including line 8 down to and including line 17, on page 20, and insert what I ask the Clerk to read:

The Clerk read as follows:

That the act approved January 16, 1883, entitled an act to regulate and improve the civil service of the United States and all other acts amendatory thereof or relating to the same subject-matter are hereby repealed.

That each member of the Cabinet may at his discretion provide for the examination of persons to be appointed to positions in the bureaus and Department under his control or supervision, and he may provide suitable rules and regulations to govern such examinations and appointments.

Mr. COOMBS and Mr. DINGLEY made the point of order against the substitute.

The CHAIRMAN. The motion of the gentleman from West Virginia [Mr. ALDERSON] is a motion to strike out and insert. The Chair thinks where a motion is made simply to strike out a paragraph, and another motion is made to strike out that paragraph and insert additional words, that the motion to strike out should be first voted upon, for the reason that under our rule there is a special provision that if the motion to strike out is negative or voted down, it does not preclude the motion to strike out and insert other words that are in order. Therefore, the Chair thinks that the motion to strike out ought first to be voted upon.

Mr. DOCKERY. Let us have a vote.

The CHAIRMAN. After that a motion to strike out and insert will be in order, if they are proper motions. The question is on the motion to strike out.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. DOCKERY. Division.

The committee divided; and there were—ayes 96, noes 61.

Mr. COOMBS. No quorum.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will appoint as tellers the gentleman from Missouri, Mr. DOCKERY, and the gentleman from Tennessee, Mr. ENLOE.

The committee again divided, and tellers reported—ayes 109, noes 71. [Loud applause on the Democratic side.]

Mr. DOCKERY. I move that the committee rise.

Mr. DINGLEY. I give notice that I shall demand the yeas and nays when this amendment is reported to the House.

Mr. DOCKERY. If the gentleman from Maine desires to offer a substitute I will withdraw the motion for the present.

Mr. BOUTELLE. I hope the RECORD will note that this vociferous applause over this great victory for reform all came from the Democratic side.

The CHAIRMAN. What is the motion of the gentleman from Missouri?

Mr. DOCKERY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7097, had come to no resolution thereon.

Mr. DOCKERY. I move that the House adjourn.

The SPEAKER. Pending that the Chair will submit the following personal requests.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. BRYAN, for to-morrow, on account of important business.

To Mr. SOMERS, indefinitely, on account of sickness in family.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 73) supplementary to the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives;"

A bill (H. R. 3318) granting a pension to Mrs. Fannie M. Norman; and

A bill (H. R. 6977) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 61) for the relief of Pearson C. Montgomery, of Memphis, Tenn.; and

A bill (S. 1467) to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouri Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881.

The motion to adjourn was then agreed to.

And accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 5368) for the relief of H. W. McConnell. (Report No. 927.)

By Mr. PENDLETON of West Virginia, from the Committee on Military Affairs: A bill (H. R. 2130) for the relief of Abraham O. Waucop. (Report No. 937.)

By Mr. COOPER of Wisconsin, from the Committee on Claims: A bill (H. R. 3512) for the relief of the legal representatives of James C. Booth. (Report No. 940.)

By Mr. RICHARDS, from the same committee: A bill (H. R. 3970) to pay Minnie Lyles, widow of Alfred Lyles, a sum of money due for service of said Alfred Lyles. (Report No. 943.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 4249) for the relief of the supervisors of the Tenth Census. (Report No. 928.)

Also, a bill (H. R. 5369) for the relief of D. M. Winn. (Report No. 929.)

Also, a bill (H. R. 6459) for the relief of John Riley. (Report No. 930.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. STORER: A bill (H. R. 7170) providing for a survey

of a route for a ship canal to connect the waters of Lake Erie and the Ohio River—to the Committee on Railways and Canals.

By Mr. DOOLITTLE: A bill (H. R. 7171) to amend section 2324 of the Revised Statutes of the United States—to the Committee on Mines and Mining.

By Mr. PAYNE: A bill (H. R. 7172) to amend section 1225 of the Revised Statutes concerning details of officers of the Army and Navy to educational institutions—to the Committee on Military Affairs.

By Mr. BELL of Colorado: A bill (H. R. 7173) to provide for the reduction of the limits of the Battlement Mesa Forest Reserve, in the State of Colorado—to the Committee on the Public Lands.

By Mr. STRAUS: A bill (H. R. 7174) to amend section 2958 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. BRYAN: A bill (H. R. 7175) to restore widows of soldiers or sailors to the right of pension—to the Committee on Invalid Pensions.

By Mr. BUNN: A bill to fix the 31st day of May for the consideration of bills on the Private Calendar reported by the Committee on Claims—to the Committee on Rules.

By Mr. WHEELER of Alabama: A resolution to fix the time and manner of considering the bill H. R. 353—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 7176) for the relief of the estate of Charles Baker, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. COOPER of Indiana: A bill (H. R. 7177) for the relief of Barzilla C. Hudson—to the Committee on Military Affairs.

Also, a bill (H. R. 7178) for the relief of Jonathan Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7179) for the relief of John A. Goddard—to the Committee on Invalid Pensions.

By Mr. ELLIS of Kentucky: A bill (H. R. 7180) for the relief of Nancy Gates—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 7181) granting a pension to Rachel Patton—to the Committee on Invalid Pensions.

By Mr. O'NEILL of Missouri: A bill (H. R. 7182) for the relief of A. S. Tayon—to the Committee on War Claims.

By Mr. OUTHWAITE: A bill (H. R. 7183) for the relief of Joseph M. Case—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of Veterinary Sanitary Board and State Board Stock Inspection of Colorado relative to British quarantine regulations—to the Committee on Agriculture.

By Mr. CARUTH: Papers to accompany House bill 4300, for the relief of John Veeley—to the Committee on Claims.

By Mr. COOPER of Texas: Memorial of the Texas and Louisiana Lumber Manufacturers' Association, asking for reciprocal commercial treaties with Spain, Mexico, and other nations—to the Committee on Foreign Affairs.

By Mr. DE FOREST: Eleven petitions of sundry citizens of Connecticut, for Government control of telegraphs—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Kentucky: Proof to accompany claim of Nancy Gates—to the Committee on War Claims.

By Mr. LIVINGSTON: Brief to accompany claim of Mack Miller, for supplies taken by United States Army in 1864—to the Committee on War Claims.

Also, brief to accompany claim of George T. Reeves, of DeKalb County, Ga., for army supplies taken in 1864—to the Committee on War Claims.

Also, brief to accompany claim of John J. Hart, for army supplies taken in 1864—to the Committee on War Claims.

Also, brief to accompany claim of estate of Ambrose Chewing, for supplies taken in 1864—to the Committee on War Claims.

By Mr. LOUD: Memorial of San Francisco Chamber of Commerce, against the passage of House bill proposing to transfer the Coast and Geodetic Survey to the Interior Department—to the Committee on Appropriations.

By Mr. MERCER: Petition protesting against increase of tax on proof spirits—to the Committee on Ways and Means.